

Policing sex trafficking in Southeast Europe
a theoretical case study of transnational policing

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I am content that with this project I have probably laid out a certain intellectual path for the future, all the more because, as I write these final lines, I am aware of the annoying gaps in my theoretical formation that I have not managed to address yet. I suspect that my decision to try and settle theoretical accounts with my own past has alienated me from many individuals who wanted, or were in a position to help me complete it along the lines I had envisaged five years ago. This group would also include those remarkable individuals whom I have come to know better over these years, and whose tireless effort and exemplary professionalism sustain the vision of democratic policing in my home country. I can only say in my defence that I do believe that I have accomplished something more substantial by taking a different theoretical path, and thus justify my time in relative solitude.

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Edinburgh, 29 June 2008

Declaration

I declare that this thesis was composed by myself, that the work contained herein is my own except where explicitly stated in the text, and that this work has not been submitted for any other degree or professional qualification.

Georgios Papanicolaou

Abstract

The growth of the international activities of the police has also engendered a new scholarly field from within academic fields such as the sociology of the police and International Relations. Theoretically, the field has been defined by few works whose aim has been to explain the historical and contemporary developments in cross border policing. The latter's growth is understood, overall, as linear and inevitable, leading to the creation of unified global police structures, especially in the light of the growth of transnational crime.

Following Althusser, I argue that this understanding results from ideological obstacles, effects of the interests vested in the production of this knowledge, and of ideological problematics inherited from the parent disciplines. Extant theories of transnational policing consider police activities without accounting for the relation between the police and the state, and, in turn, for the role of the state as an indispensable building block of global capitalism. These problems are fully grasped by the concept of the global imperialist chain, which is informed by the materialist problematic of capital, labour and the state as a field condensing a particular balance of social forces. However, its application necessitates a reworking of concepts pertaining to the modalities by which social formations are articulated within the imperialist chain and, secondly, to the role of the police as the state apparatus that practically regulates citizenship within social formations.

I apply this theoretical vocabulary to explain the conditions that engendered the Mirage regional transnational policing operations in Southeast Europe between 2002–4. The operations targeted sex trafficking and irregular migration as instances of organised crime, were organised by the SECI regional police cooperation centre, Bucharest, and involved the police forces of twelve Balkan countries. I examine the global prohibition regime on trafficking, the organisation of SECI, and the conduct of these operations by the Hellenic police, as entry points towards the understanding of Mirage. The event was overdetermined by the process of the re-articulation of post-communist Southeast Europe's position within the global imperialist chain, which made possible the materialisation of structurally determined and contradictory relations between social forces in struggle into particular organisational forms and pertinent actions of these different national police bureaucracies.

The results suggest that the dynamics of transnational policing are nowhere as linear and inevitable as extant approaches suggest, but rather reversible and contingent upon the contradictory class practices condensed in the state.

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The challenge of transnational policing

How can we explain the contemporary patterns of transnational policing?¹ Are we truly witnessing the entwining of national police apparatuses into a giant transnational law enforcement network? What are the forces propelling this transformation—can it be understood as merely the consequence of the growth of transnational crime? And if not, what processes, which power centres, what kind of interests shape transnational policing, and how? What are the consequences for the organisation and conduct of police work? How, and to what extent does internationalisation affect accountability and the prospects of democratic control in policing? Questions about the growth, purposes and direction of the internationalisation of police activities are raised now with increasing frequency. Yet despite the efflorescence of relevant research, and also the escalation of political inquiries and debates, we are still rather short of lucid answers and explanations.

Theorising transnational policing: what's wrong?

The problem with the internationalised activities of the police is that they upset the established theory and practice about the controversies of policing and the possible paths towards the resolution of these controversies. Such ways of thinking and acting have been nurtured by particular sets of ideas regarding the setting and institutional specifications of the police, but they are increasingly challenged today as processes of internationalisation leave a visible mark on the organisation and activities of the police.

The study of transnational policing

Prevailing understandings of the police labour by and large on the assumption of a mechanical connection between the activities of the police and crime, and on the idea

1 In anticipation of the more detailed discussion of the issue later on, it should be noted that the term 'transnational policing' means more than what is conveyed by the official term 'international police cooperation', but does not carry the specific theoretical weight that a strand of the literature attaches to it.

that the police function can be governed by the rules set by a particular ensemble of institutions to which the police are accountable. This view has already been fundamentally challenged by a long stream of sociological studies of policing stressing the relative autonomy of the police vis-à-vis other institutions of government. Yet under the present intensification of internationalisation, it is driven to even greater embarrassment, if only for the reason that the mission and practice of police organisations today present unprecedented levels of complexity; goals, methods and targets—to use this word—all appear to undergo significant change, and to be, often, in a state of flux. When the present situation is assessed with the measure of the sociologically parochial view of the police organisation as pertaining to crime control and order maintenance in well-defined communities under well-defined rules, one is likely to find that the developments of the past quarter of a century approximately have had, firstly, a profound impact on the presumed functional and jurisdictional boundaries between police organisations, intelligence services and, to a lesser extent, the military; secondly, the definitional boundaries of what constitutes a criminal threat and a source of disorder to be dealt by the police also appear murky, with terrorism, (transnational) organised crime and illegal migration being currently the most characteristic examples; and thirdly, the police are now enmeshed in a web of relations which transcend national boundaries and may pose practical demands whose fulfilment is much more likely to exacerbate the documented discretionary margins of the police function.

While the bulk of specialist scholarship is heavily engaged in the research of technical aspects of the activities of the police, more often than not with a primary focus on the possibility of ameliorating the conditions under which these activities are carried out (Manning, 2005), the situation is not better among the more theoretically sensitive quarter of police studies, even though internationalisation is understood as an important entry point towards the decipherment of the changes the governance and practice of policing are undergoing (Deflem, 2002a; Sheptycki, 2002; Walker, 2003). In the past quarter of a century, there has emerged a new strand of literature that attempts to investigate the manifestations of contemporary international police cooperation, and also to explain these developments in a more theoretically grounded manner; its characteristics deserve closer examination.

Firstly, it exists in a special relation with the official world of international police cooperation, whose policies and attitudes towards research vary from state to state and from organisation to organisation. As a result, scholarly work in such international setting often involves considerable difficulties of access, it is necessarily informed by a stream

of official descriptions and accounts such as activity reports and action plans, and also its scope is likely to be narrowed to 'problem-oriented' questions, in so far as it is supported or sponsored by the police organisations themselves or their institutional patrons. The official approaches towards police cooperation are highly instrumental: they are the expression of an ideology *of* or *for* the police, which is captured uniquely by former UN Secretary Kofi Annan's statement that 'if crime crosses all borders, so must law enforcement' (quoted in Savona et al., 2003: 37). The organisation of international police cooperation, which is typically rationalised by its agents with the help of the war cries of the global campaigns against particular criminal threats, often leaves limited space for sober scholarly reflection.

Secondly, it exists in a necessary relation with well-established academic fields, namely the sociology of the police and the academic field of International Relations.² If only for reasons of academic convenience, it incorporates in different proportions the modes by which these disciplines proceed to produce explanations of their respective subjects. In many respects therefore it remains captive of the way problems are formulated and approached in those parent disciplines—in fact, even though the prospect of enriching the study of the police with IR perspectives may sound exotic and exciting, it is perfectly capable of not changing one iota in the theoretically limited posture of the bulk of police studies, because the former can be just as theoretically parochial and policy oriented as the latter. Nevertheless, being aware of this lineage is important: it opens up the possibility of a theoretical critique of the treatment of the subject matter of transnational policing, because it ultimately allows an understanding of how transnational policing is *conceptually constructed and explained*.

The above characteristics connect to a wider structure which can be thought to comprise a particular mode of intellectual work, or of theoretical production (Althusser, 1979a; Suchting, 1986) encompassing equally the practical conditions of doing research on the police, such as access arrangements, funding, institutional affiliation and sponsorship, and governing the definitions and conceptualisation of problems, the orientation and method of research, as well as the presentation and purpose of one's findings and answers. In so far as everything that is being said and written about transnational policing is subject to the organisation of the production of knowledge effected by this mode, the roots of the fragmentation of the literature in as many parts as the empirically detected manifestations and the normatively derived aspects ('the issues') of transnational poli-

² Throughout this work, I will be referring to the academic discipline of International Relations by using exclusively the acronym IR.

cing, or, the research 'priorities', 'interests', and, not least, the institutional backgrounds and dependencies of the particular authors are clearly found here. Equally, scholarly investigations of transnational policing are also subject to modes governing the production of knowledge within particular academic disciplines and thus inducing ideological effects which are played out on the level of the articulation of claims to scientific explanations of the social phenomena that concern them. The remark that transnational policing occurs 'at the intersection of criminal justice and international relations' (Nadelmann, 1993a: xvi) is not only an empirical, but also, importantly, an epistemological statement which annexes the investigation of this particular field of social activity to the realm of established disciplines.

It is unsurprising therefore that the study of transnational policing is marked, firstly, by the relative absence of a clear agenda for research, shared by even a relative majority of authors. The literature has indeed grown, yet the various authors have in mind different things whenever they speak of the internationalisation of policing. The variation in terminology, from the well-established and official term 'international police cooperation' to the much wider 'transnational policing', provides a first measure of the important differences in approaches. Research seems to be developing in niches, which are geographical, empirical and theoretical, in accordance to a researcher's location, selection of policing activities, methods and disciplinary background. For example, whereas American authors usually focus on the internationalisation of the activities of US law enforcement agencies, European authors are much more likely to introduce a problematic of 'Europeanisation' of policing, induced by the progress of EU integration. Such differences have important practical and theoretical implications, not least because some important general dimensions of the phenomenon are obfuscated.

At the same time, the political angst caused by the growth of transnational policing in its present form is also a factor upsetting the theoretical clarity of extant analyses. The problem is subtly indexed in the pessimistic assessments of the content, organisation, methods, of the issue of accountability and control of transnational policing, and also of the ideologies that cement it together as a field. Recent developments, especially related to the conduct of the post-9/11 global antiterrorist campaign, have contributed directly to what I perceive as a progressive radicalisation of certain strands of scholarly thinking: the growth and institutional formalisation of transnational policing is sometimes outright denounced as an unwarranted sacrifice of liberties, justice and democracy for the sake for a dubious, politically biased notion of security (e.g. Bunyan, 2005). A not dissimilar discomfort is equally traceable in how some of the academic pioneers in the wider field

reflect negatively on the assumptions, methods, targets and implications of transnational policing (Andreas and Nadelmann, 2006; Deflem, 2006; Nadelmann, 1993a; Naylor, 2004; Sheptycki, 2003a).

These circumstances compromise the ability of extant efforts to address the challenge of transnational policing in a systematic and consistent fashion, and there is little doubt that addressing this challenge is of paramount importance for both theory and political practice. What is at stake does not simply concern some technical implications of the regularisation of internationalisation in policing. Rather, this regularisation, in both quantitative and qualitative terms, is part of and contributes to a redrawing of a presumed established balance between liberty and security, in a process which the existing understanding of the institutional specifications of the police cannot entirely explain. The pressing matter, in other words, is that internationalisation affects structures that shape the police role, which the established perceptions and explanations of policing have not fully acknowledged, and, therefore, it brings about transformation in ways that the latter cannot really anticipate. If the police are understood as organisations that serve 'to sustain political ordering' (Manning, 2003: 42), then changes in the capacities of the police apparatus also denote changes in the configuration of that order. We want therefore to know what that order is, and how the activities of the police are linked with that order. The challenge of transnational policing is found exactly in its significance for making sense of modern policing and of its various aspects as a whole, and as a social process which stands in relation with other social processes in an increasingly interconnected, and thus complex world.

Problems of extant theorising

If we consider transnational policing on the basis of the existing literature, it denotes a reality which embraces the sum of international activities of, and interactions between different police forces and organisations, which is regulated by particular sets of rules, and which may involve and is often supported by organisational arrangements, including other organisations (international, national, public or private) that mediate or assist these interactions. Within this sum, each different work sets out to examine how these elements relate to each other, how they interact and, at best, how these interactions develop over time, by isolating particular organisational, geographical, and, less often, thematic subsets. This procedure of studying transnational policing involves certain characteristics which need to be considered.

Firstly, the majority of prior work consists in studies of the transnational activities of particular national or international police organisations, such as the American Drug Enforcement Administration, Interpol or Europol, studies of police cooperation at particular geographical regions, such as the English Channel or the Meuse–Rhine Euregio, or border areas and so on (Aden, 2001; Anderson, 1989; Benyon et al., 1993; Fijnaut, 1993a; Occhipinti, 2003; Santiago, 2000; Sheptycki, 2002). The inspection of the literature thus reveals that particular geographies, organisations and other arrangements in international police cooperation are over-represented, and it is true that they represent sets where important aspects of the phenomenon appear to have assumed rich and diverse forms, and their importance is affirmed in various ways throughout the global setting of police cooperation. But we may draw questions from the inverse reading of this observation. What needs to be problematised is exactly the fact that we are dealing with a complex reality involving various types of interaction and organisation at different levels and different modalities of development. Too much is made of the weight particular contexts and ‘actors’ possess in the realm of transnational policing. In fact, given the disproportionate scholarly attention they attract, they might even be functioning as a theoretical black hole, which prevents their consideration as an instance of uneven development corresponding to the wider configuration of international politics in general, across geographies and over time.

These remarks firstly stress the necessity of broadening the investigative horizon of the study of transnational policing. Yet the procedure followed by extant approaches involves a second delimitation, which is of theoretical nature exactly because the scholarly attention paid to these particular instances is already structured by the commanding modes of theoretical production both quantitatively, in terms of output, and qualitatively, in terms of the characteristics of the intellectual labour expended. To say that less research is carried out with regard to certain contexts of transnational policing only points to a quantitative effect of these modes—to put it simply, demand for research is higher as far as the prominent instances of transnational policing are concerned. But as regards the qualitative effects, we need to go a little further.

The commonsensical appeal of the thesis that transnational policing constitutes a response to the growth of transnational crime and is geared towards the delivery of such response is certainly reinforced by the contemporary proliferation of international legal frameworks and sets of rules that apply to the activities of transnational policing. Terrorism, trafficking, money laundering, all constitute areas of social activity which particular state interests and agreed international prohibitions target and thus provide the police

with a mandate as well as with rules governing how they should proceed to suppress such activities. While it is true that crime serves as the hard currency of international police work, such an approach stumbles on a rather formidable obstacle: what, in fact, is defined as 'police property' in transnational policing exhibits a strong element of historical variation, as the targeting of criminal activities varies in content and force over time (see particularly Andreas and Nadelmann, 2006). Historically, not *all* crimes exhibiting an element of extraterritoriality—understood generally as any aspect of a criminalised activity transcending a state's territory—have sufficed to engender police ventures abroad, let alone to set in motion the entire process that engenders police *cooperation* under a generalised international prohibition.

The dissatisfaction with the above and other paths of inquiry have resulted in a tendency to transpose the problem of the conditions sustaining the field of transnational policing into an investigation of the international relations *of the police*. It is here that the influence of mainstream sociology of the police and of dominant tendencies in IR, which stand in ideological kinship with the former, leave the most visible mark in the production of knowledge of transnational policing, in so far as they allow it to identify the sum of the empirical manifestations of the phenomenon with its concept. Here the study of transnational policing meets globalisation-talk,³ with its characteristic insistence on the growth of transnational connections and networks, the primacy of the global movements of the economy and the inevitable, presumably, retreat of the national state and rise of multinational governance. It is true that the theory of transnational policing is sometimes informed by particular subsets, such as theories of European integration. However, the notion of globalisation and its conceptual baggage virtually permeates the entire range of works which conceive the field on the template of international relations of the police. This influence creates the tendency of a part of the literature to understand transnational policing as a semi-autonomous field, which, like modern subway construction systems digging ahead on the underground path they have laid for themselves, self-generates its development and operates unequivocally under the principle of *cooperation*.

There is little doubt that this approach, which is the common denominator of most prior work, possesses a sophisticated appearance that differentiates it from what Mat-

³ I do not distinguish here between approaches which consider globalisation as a factor bearing upon other social processes, and 'Globalisation Theory', which attributes an explanatory primacy to the spatio-temporal organisation of human societies. Justin Rosenberg, to whom we owe this important distinction, has explained that while the first approach is of little theoretical value for social science, the second is outright erroneous (Rosenberg, 2000; 2005). More on this follows in chapters 2 and 3.

thieu Deflem calls the 'bland functionalism' of official discourses. While it is the result of a genuine concern with theorising, it is, nevertheless, not immune from underpinnings which can be shown to be of ideological nature, exactly because both the mainstream ideas in IR and in the sociology of the police which are channelled into it stand in organic relation with the power centres involved in the transnational ventures and campaigns of the police. These underpinnings can be uncovered theoretically, by pointing to the links of these ideas with the official ideologies of these power centres, and also empirically, by examining how they actually contradict a number of known characteristics of transnational policing. Constituting the main point of contention I raise in chapter 2, this analysis clears the ground for detecting the decisive pitfall of this approach, which is found not in what it explicitly problematises, but in what it does not: an important first step is skipped, and thus the viability of any subsequent analysis is undermined. To put it as straightforwardly as possible, extant approaches get to the task of explaining relations in transnational policing by taking its constituent element, *the police*, for granted, that is, without questioning those relations that define its social purpose and form.

To be sure, cognisance of the existence of these relations resides occasionally in the assertion that policing somehow pertains to the ordering and control of populations through surveillance and the possibility of coercion (Sheptycki, 2002: 7). Such awareness, however, is not an adequate substitute for an interrogation of policing as an organic part of a complex reality. A concept of transnational policing capable of providing a knowledge of both the regularities and of the unevenness that the phenomenon exhibits must recognise that the organisational forms and activities of the police are constituted *within* the historical process of development and transformation. They are related organically to the economic, political and ideological relations of domination and subordination in which social agents are entangled, and they correspond to the regularities and unevenness that these relations exhibit. To speak substantively of order and control effected by the police is to question those relations first, which ultimately constitute an order *for* someone and control *of* somebody. Yet with very few exceptions the existing scholarly and other literature has recourse to a problematic positing a fundamental *separation* of the police from its 'environment' and which utilises a vocabulary of 'organisational goals, decision making or adaptive behaviour, modes of legitimation and enforcement of compliance' (Therborn, 1978: 37). This drastically limits the conceptualisation of policing within the forms it itself offers for observation, and designates a path on which transnational policing can be reduced to *its* organisation, geography, methodology, technology, or can be diluted with various notions of contingency in *its* history. It amounts to an in-

terrogation of the arrangement of the characters appearing in a picture without asking why and how they were brought in the picture in the first place.

The preceding observations specify the exact focus of my theoretical intervention with regard to two ranges of relations which prior work obscures by devoting its energy to the above particular line of investigation. The first range involves the conditions under which transnational policing is welded to the overall structure of the international system. In so far as this structure continues to be predominated by a system of relations between states, all other relations, including those carrying the label transnational, acquire their specificity, rank and influence by the interstate system. I hasten to add that important qualifications which distance my approach from realist credos about the state in IR will follow shortly: the form of the interstate system is not a datum, but must be theoretically accounted for. My specific claim is that this type of inquiry is of critical relevance for the concept of transnational policing and can by no means be dispensed with. The second range does involve the conditions under which the elements or 'levels' of transnational policing are structured, engendering the field's own patterns of organisation, activity and historical development. The above points are connected: if the police sustain order, then the relations of the police with the various forms of power must be explicitly problematised—and if the primary aspect of that order is a political one and is expressed in and by the state, a substantive theoretical examination of the police role in conjunction with the role of the state is obligatory.

Prior work remains silent in front of these critical theoretical gaps; it lacks the vocabulary to come to grips with them. To address the theoretical challenge of transnational policing is to formulate and propose such a vocabulary.

The present study

My thesis constitutes an intervention in the theory of transnational policing. The stimuli for this work are, of course, firmly traced in the polarised debates regarding the internationalisation of police activities, and I share the same substantive concerns about the ongoing redrawing of the balance between security and liberty in modern democracies as several other authors in the field. But I am specifically and preponderantly concerned with the task of conceptualising and explaining transnational policing, which, after all, is a precondition for the articulation of a position in the political controversy surrounding the targets, methods and implications of policing today.

Scope

'Intervention' means that the present work is not a take on the entire range of issues that prior research has detected and associated with transnational policing. Rather, it is an effort to converse with prior work that treats the matter in a sociologically meaningful way. The latter differs from those accounts that directly spring from within the power centres involved in instilling policy directives for the police. If one is able to deduce from these official discourses explanations of transnational policing at all, these are simplistic and selective because they are systematically confounded with what particular power centres understand as politically desirable or expedient. To correlate the growth of police activities with the growth of crime explains very little, because as far as the *knowledge* of the police is concerned, to say that transnational policing is a necessary consequence of the internationalisation of criminal activities amounts to little more than saying that a police organisation is what a police organisation appears to be, and that police organisations do what police organisations claim to do. At most, such accounts advance, as Mathieu Deflem has observed, 'explanations [that] merely restate, and assume it is legitimate to transpose at the level of scholarly explanation, the internal motives of international policing operations as they are put forward by participating agencies and officials. But, naturally, the rationalisations of the participants cannot be confused with the conditions of their behaviour' (2002a: 29).

On the contrary, the works I intend to converse with constitute efforts to explain the internationalisation of policing by problematising the possible effects of wider processes in economy and society on the police, and do so with the use of concepts and ideas that attempt to explain society. This is already a step out of the ideologically induced notion that the institutional specifications of the police constitute the basis for the explanations of the police function rather than variable social facts themselves in need of explanation.

Transnational policing applies descriptively to the internationalised activities of the police, but it is also a concept and a term. As a term advanced by the pioneers in the field (Nadelmann, 1993a; Sheptycki, 1995; 2002), it marks neatly the particular outcome of the cross-fertilisation of some central questions in the sociology of the police with a specific stream of thought in IR, and as such it is very much worth preserving. It refers simultaneously to the fundamental dimensions of the phenomenon under study, internationalisation and policing, without preempting any particular explanations, as, for example, does the term international police *cooperation*. Taken at face value, the term transnational policing has the advantage of conveying adequately a particular object of study no matter what theoretical perspective is being deployed. It will be, therefore, my term of prefer-

ence throughout this study.

Transnational policing poses a series of problems only when it is read and understood as a *terminus technicus*, that is, when it is intended to denote the outcome of the cross-fertilisation of particular and *homologous* theoretical postures in police studies and in IR. As James Sheptycki (Sheptycki, 2002) and others have explained, the underlying idea in speaking about *transnational policing* is to denote a move away from the centrality of the state either as an international actor or a provider of security. As far as the IR component is concerned, this idea draws from a particular stream of studies in mainstream IR which gained certain prominence during the 1970s and which stressed the importance of private actors and sub-state bureaucracies for international relations (Nye and Keohane, 1971a; b). Equally, the component that originates in the sociology of the police reflects the current pre-eminence of approaches diagnosing an ongoing process of multilateralisation in the provision of security, at least in the advanced liberal democracies of the West (Bayley and Shearing, 2001; Johnston and Shearing, 2003).

Now, while in those respective fields serious points of contention from a theoretical and an empirical viewpoint can and have been raised with regard to the above approaches, no such critique has been advanced so far vis-à-vis their combination as a theoretical perspective towards the internationalisation of police activities. Of course, this is not surprising given the situation in the study of transnational policing: in so far as what is being written and said about the internationalisation of police activities is preponderantly of technical character, and rarely—if ever—questions its propelling forces, aims and methods, the present theory of transnational policing remains an important theoretical innovation, and lays down an exciting programme of research about important but elusive international actors. This does not mean that this venture is devoid of problems, and I will show that it offers a deficient vocabulary for explaining the field, because it is still immersed in ideological discourse about the police function and the organisations that perform it.

If the present theory of transnational policing is the result of a combination of homologous insights resident in the sociology of the police and IR which can be shown to be problematic due to its theoretical origins, then I propose to take a step back and ‘question the questions’ it poses (Strange, 1982: 479). I develop a different, alternative approach to the subject matter, exactly on the basis of questioning its theory from a different theoretical viewpoint. Firstly, I interrogate thoroughly the concepts and ideas by means of which the existing research has approached transnational policing and the issues that surround it. Secondly, I explore a path leading to a conceptual reorganisation

of the theory of transnational policing, and I show concretely the implications of this operation. Thus I take up several particular tasks, which, stated concisely, pertain sequentially to the following general questions: how and why is the present theoretical vocabulary deficient for the elucidation of the historical and contemporary patterns of transnational policing? Are there concepts which could help decipher the entire range of relations constituting it as a complex field? And, what does the mobilisation of these concepts entail for the study of transnational policing—how can they be shown at work?

A historical materialist approach

My intervention advances a critique and an alternative drawing from a range of ideas and concepts residing in Marxist philosophy and social theory, and is inspired by a current of thought particularly associated with the work of Louis Althusser. Thus, in its most general form, the position I defend understands the internationalisation of policing as a particular aspect of the development of the *state apparatus of the police*, which is itself engendered by the historical development of capitalist social relations. While the specific propositions of this thesis will be prepared by the critique of extant work in chapter 2 (along the lines indicated above), and will be elaborated fully in chapter 3, let me offer immediately a number of conceptual indicators which underpin the organisation of the theoretical engagement of the present work in its entirety. I shall insist on a few remarks pertaining to the concept of *structural causality*, which constitutes one major contribution of the Althusserian current (Balibar, 1996; Resch, 1992).

We may recall that historical materialism understands society as a complex whole, whose economic, political and ideological structures and relations, while distinct and possessing a particular efficacy, constitute levels or instances, whose systemic articulation is ultimately determined (determined ‘in the last instance’) by the economic. The decipherment of this complex unity is made possible by means of elaborating a set of fundamental elements pertaining to the production and reproduction of the material conditions of existence of a society, and the corresponding *contradictory* types of power relations (economic exploitation, political and ideological domination and subordination) among the antagonistic groupings of social agents which they engender. The combination of these elements constitutes the concept of the mode of production, which can be thought to represent the ‘deep structure’ governing the particular forms economic, political and ideological life assumes in historically concrete societies. On this basis, Marxism understands society as an organic whole, which can be scientifically studied on

the basis of the concepts of relations of production and social class (Althusser, 1990b; 2005a; Marx, 1987; Milios, 2000a; Poulantzas, 1978b; Resch, 1992).

The expression 'determined in the last instance by the economy' does assert, firstly, the historical materialist thesis that the structure of the economic production, of the material production of social life, influences fundamentally the forms any other social activity may assume: society as a whole is anchored on the mode of economic production (Althusser, 1976c: 176–177; Engels, 2002; Marx, 1990: 175–176, n. 35; Marx, 1993). The Marxist understanding of the whole, however, differs from an understanding of the whole as the sum of its individual parts, and also of a whole which defines the essence and function of its individual parts. Rather, it is a whole which does not exist outside the combined specific effectivity of its parts: it is a unity of regional instances encompassing *practices* whose specific transformative effects are registered unevenly on a complex deep space, engendered by their concrete, historically specific mode of articulation. Particular types of practice are therefore predominant in so far as they have the capacity of assigning 'rank and influence to others' (cf. Marx, 1993: 106–107). The analysis of any particular social practice is possible provided that one does not lose sight of the fact that part and whole are mutually unintelligible, unless they are considered in their graded, structured unity, whose principle of organisation is expressed exactly by the concept of the mode of production. According to Althusser, this conception of the whole specifies a distinctive type of causality, which differs from the types of causality associated from other conceptions positing a 'linear' relation between cause and effect ('*x* causes *y*'), and which can be properly called 'structural' (Althusser, 1979b; 2005a; see also Resch, 1992).

I am arguing that this conceptual framework permits a comprehensive analysis of the internationalisation of policing as a phenomenon unfolding within an ensemble of complex structured social relations in one and the same society as well as between different societies. It is a process which pertains both to the internal ordering of a given society and the ordering of different societies on a world-wide scale. It involves at once economic, political and ideological relations, whose *uneven and combined development* is determined in the last instance by the relations of production, but whose specificity can only be deciphered by examining their articulation as a whole, in their concrete effects in the field of social relations. This stands in sharp contrast with existing approaches; they either deflate the complex unity and uneven geometry of these relations, or they conceptualise it by reference to closed systems of 'factors', partially drawn from aspects of the whole, or isolated in disparate domains of social organisation.

The thesis I am defending, stated in its most concise form, understands transnational

policing as the form of policing which corresponds to the present phase of *imperialism*. Imperialism is a term which denotes a particular theoretical construct within historical materialism, and captures the configuration of state, capital and class within the processes of internationalisation induced by the development of capitalism (Lenin, 1964a). It has followed a venturesome, if not troubled, course in Marxist theory (Patnaik, 1995b; see also Brewer, 1990), but, clichés and polemics apart, and despite (important) differences, it is a rich and refined theoretical framework of continuing relevance. Here, I tap on a particular line of work (Bukharin, 1972; Harvey, 2005; Poulantzas, 1974b) and further reflect on its results and possibilities in order to correlate transnational policing with the contemporary configuration of the global *imperialist chain*, which is exactly the concept which captures the interstate modality of cross-border relations in imperialism.

Contrary to ideas entertained today by globalisation theory and a number of Marxist authors alike, the concept of imperialism, broadly outlined in Lenin's pamphlet of 1917 and complemented by his positions on the national and colonial question (Milios, 1997; Patnaik, 1995a), resists the notion of a unified global social structure forged by the expansion of capitalism beyond its historical cradles, where the autonomy of the different social formations is annihilated by the intensification of cross-border economic processes. Rather, it understands imperialism as a process that induces increasingly complex and asymmetrical economic, political and ideological effects in the different countries comprising the chain as a result of that increased integration. This position recognises that the form of the interstate system expresses the state's fundamental importance as a site for the *reproduction* of the capitalist system as an economic, political and cultural reality. The importance of applying the concept of structural causality becomes evident here, in so far as it leads to acknowledging that while the nation, as an ideological artefact which qualifies inclusion to an 'imagined community' (Anderson, 2006) has been and still is subjected to and transformed by the processes involved in capitalist relations of production, it is not a transient reflection of the economic 'base' alone.

My analyses recall a thesis in Marxist theory which assigns to the state a specifically political role consisting in its 'function of constituting the factor of cohesion between the levels of a social formation' (Poulantzas, 1978b: 44), that is, of the economic, political and cultural life of a society divided into classes. The state is the site where the totality of social relations engendered by the fundamental contradiction between exploiters and exploited at the level of the economy finds its more directly political expression and balance as a historically specific (Marx, 1991: 927) organisation of institutionalised dominance and subordination: it is materialised in an ensemble of apparatuses which, in their combina-

tion, transform class domination into legitimate power (Althusser, 2006; Poulantzas, 2000). In this light, the police constitute a particular state apparatus distinguished by an operative logic which is carried by specific organisational forms, involves particular sets of practice and is cemented by a distinct internal ideology (Althusser, 2006), and which is thus directed towards the production of characteristic effects in the field of social relations. Contrary to widely held positions in extant theory that understand police work as guardianship (e.g., Marenin, 1982), I pursue a line which connects police work with citizenship (Waddington, 1999), understood not simply in the juridical sense of actual or potential rights and obligations associated with the formal institution (Castles and Davidson, 2000; Marshall, 1992), but in the light of the practical capacity of police work to produce a specific 'political community effect' by situationally regulating political closure.⁴ In this way, I believe I am building on the most promising advances of the sociological study of the police since its inception, which do recognise the transformative effect of police work on social relations (Bittner, 1979), while placing them under the correct framework of state theory, which understands precisely the operative logic of the police as overdetermined by the state's global role pertaining to the reproduction of an order which overall 'sanctions and legitimises the interests of the dominant classes against other classes' (Poulantzas, 1978a: 78).

A theory of police work encased in state theory does not constitute a detour from the initial focus on transnational policing as policing in the imperialist age. Rather, the utilisation of the concept of imperialism contains these elements as indispensable conceptual determinations: without these the concept of imperialism cannot come into full play, and conversely, speaking of policing and the state alone is an incomplete motion, since both are unintelligible without taking into account imperialism as a whole. This dialectical movement is a precondition for the establishment of the necessary conceptual bridges between policing, the international relations of the police, the interstate system and the contemporary intensified global movements of capital, goods, people, ideas, risks and so on, all of which are kept in relative theoretical separation by extant approaches. Once these bridges have been established, it becomes evident that not only transnational policing is not a separate layer superimposed on 'everyday', domestic policing, but that all the above elements are organically related in the development of an entire systemic movement.

4 This understanding of police work also appears to me as theoretically more consistent with the concept of practice which informs my analyses throughout this work, namely that it involves a transformative effect on the 'raw material' it works upon (see Althusser, 2005b: 166).

Until their elaboration in chapter 3, the preceding theses necessitate certain clarifications, in two directions. Firstly, if my reference to several Marxist ideas appears cursory at this point, it is not because these propositions seem to be all too familiar, but exactly because their specific content and significance are contested. There is no question of pretending that Marxism is a unitary body of theory, and I am very much aware of the risks I take by formulating and applying a historical materialist perspective in an area whose conventional thematisation ('police', 'policing') could be unacceptable to certain Marxist viewpoints (see, e.g., Hirst, 1972). It is necessary therefore to stress that, while I am taking theoretical sides, this is not a study of Marxist social and political theory in general. One has to start from somewhere, and what I propose to do is defend a theoretical stance in the area of police studies, where this work would appear to belong to systematically. This does not mean, of course, that I somehow eschew the obligation of taking a clear position towards disputed issues within historical materialist thought. I plan to take up this task quite energetically, but not at the expense of what I primarily set out to accomplish in this study.

Conversely, this work is a study in transnational policing: its relation with the existing work in the field is not external and mechanical. I am not taking up the task of developing a historical materialist vocabulary simply because the latter is by and large absent so far, or for the sake of some sort of novelty. My claim is that this critical operation can produce coherent explanations of the characteristics of this complex phenomenon by countering the particularism, theoretical eclecticism and a whole range of ideological deformations which can be shown to trouble its study. Therefore, the meaning, value and implications of this vocabulary will be shown with regard to the areas and aspects where the explanatory potential of extant approaches appears to be exhausted. This necessitates a deliberate, substantive attempt to operate from within the ground that extant thinking occupies: my critique will be able to bear its full effect, only to the extent that it is able to point to inconsistencies and errors, while fully capitalising on the advances that prior work claims as its achievement.

Now, this path of inquiry has dictated some fundamental choices in the development of this work. It should be clear that my main grievance with the existing work is that it underestimates the quality of theoretical labour that must be expended in the enterprise of explaining transnational policing. The theoretical critique I develop should ideally register this complaint effectively; but, in practice, that is not enough. Rather, it is necessary to move into the ground that extant approaches claim as their own, and from which they could, in that characteristic self-righteous fashion dictated by the ideology of empir-

icism, dismiss theoretical discourse as 'abstract'. Therefore, a second step must be taken in order to illustrate how these analyses apply to the reality of transnational policing: this brings me to the second part of my thesis.

Policing sex trafficking in Southeast Europe: implications for theory and method

In the previous section I claimed that approaching transnational policing under the conceptual canopy of imperialism opens up the possibility of bridging a number of pertinent areas that so far have been kept in relative separation from a theoretical viewpoint, namely, the emergence of issue-areas that transnational policing is concerned with, its organisational manifestations at the level of international relations, and how it interfaces with the functions of national police apparatuses. While the criticism of existing works which I aim to register involves exactly their capacity to bridge effectively these areas (a deficiency which I attribute to the theoretical premises they work upon), it must be conversely stressed that they are perfectly aware of them: in fact, each of these, whether it has been an existing or emerging normative framework for police cooperation, a particular international police organisation, an ensemble of arrangements for cooperation, or a particular law enforcement agency operating internationally, has served so far as an observation base or an entry point towards the entire field of transnational policing.

My approach in this study is to mobilise all these paths simultaneously, while subjecting them to a conceptual framework, which can show how they are interrelated, and position them onto the wider map of contemporary, internationally interdependent, social processes. The path I am taking is to apply and illustrate the results of my theoretical critique on a concrete case—in a theoretical, but also in a geographical and thematic sense—of transnational policing: the emergence and demise of the *Mirage* anti-trafficking operations, organised between 2002 and 2004 by the Bucharest-based SECI Centre for Combating Transborder Crime, a police cooperation centre whose membership includes the police forces of 12 states in the region of Southeast Europe. Applying the idea of structural causality, I understand the *Mirage* operations as a historical event that emerged from the convergence of three interconnected processes, unfolding at different levels in the deep complex space of contemporary imperialism: firstly, what, in Andreas and Nadelmann's (2006) terminology, may be called the emergence of the new global prohibition regime against prostitution and human trafficking; secondly, the emergence and work of the SECI Regional Centre itself (see SECI Regional Centre, 2006); and thirdly, the emergence during the 1990s of an anti-trafficking campaign in Greece, and the efforts of the

Hellenic Police to implement the resulting national regime, independently and within the SECI framework.

General methodological considerations

As it follows from the observations in the preceding sections, directing my efforts on this empirical terrain satisfies certain 'external' criteria I have laid down: firstly, the need to move away from the 'landmasses' of transnational policing and look into other contexts where the process unfolds. This certainly holds with regard to police cooperation in Southeast Europe, which has received almost no attention in the existing literature (only Savona and Curtol, 2004). Conversely, this path steers clear from the sirens of theoretical particularism, such as the temptation to encase transnational policing, for example, in theories of European integration (e.g., Occhipinti, 2003), or theories reducing the process to any type of inter-organisational networking. At the same time, as the selection of these elements corresponds to the individual entry points favoured by prior work, it is possible not only to retain a general sense of continuity with the literature, but also to refine my critique by working from within a terrain already claimed by that work.

Of course, the possibility to satisfy these criteria has been established *post festum*, since both the elaboration of the theoretical framework and the construction of the case have been a result of an *encounter*, and not the absolute points of departure of my effort. My work on the topic of police cooperation began with the broad question of examining the implications of the emerging European institutional structure for cooperation on the workings of national police apparatuses, particularly the Greek one, which constitutes a personal long-term research interest (Rigakos and Papanicolaou, 2003; see Papanicolaou, 2006). During the early stages of my work, which involved a familiarisation with prior work and contacts with the Hellenic Police, I encountered a number of cues that directed my attention to the particular issue area of sex trafficking as well as the particular geographical context of the Balkans, as representative instances of a much more complex configuration of relations in transnational policing where the explanatory potential of existing approaches was severely depleted. As my work progressed, I became convinced that a *simple combination* or any sort of 'integration' of the existing theoretical viewpoints would not replenish this potential. A radical change of paradigm, to use this word, seemed necessary.

At a parallel level, questions of method also underwent a similar transformation. To be sure, a review of the methodologies used by prior works, at least by those that lay the-

oretical claims regarding transnational policing, and which I consider, therefore, significant, offers no hard and fast methodological precedents. With notable exceptions being Mathieu Deflem's book on the origins of Interpol (2002a), which is based on archival research, and the effort by John Benyon and his colleagues (1993), which can be properly understood as a survey, what most of these works have in common is that they tend to rely on methods associated with ethnography.⁵ On this end of the methodological spectrum, one may point to James Sheptycki's major work as conceived from the ground up as an ethnographic study of police cooperation in the English Channel, focused on the elucidation of the 'subculture of transnational policing' (Sheptycki, 2002). But what lies in between, is a series of studies which could be described, from a methodological viewpoint, as having taken recourse to an extensive contact with various manifestations of the organisations under research, and particularly on interviews with police officers, other officials and individuals playing a role in transnational policing.

Research in transnational policing presents researchers with some formidable problems. Not because it is a new and unexplored field of scholarly attention, as Deflem remarks (2002a: 28), but rather because the well-known problems of research in policing (access etc.: see, e.g., Bayley, 1985) are raised in the second power: how is one to study transnational police activities and networks? Consider for example the sharp methodological contrast between James Sheptycki's research, which was made possible by a promise of relatively free access to his research setting (2002: 10) and Didier Bigo's major work on European police cooperation. Bigo was refused access in police settings in France, and he remarks that, fortunately, his project was aided by informal contacts with police officers over a period of time; additionally, some critical information was to be found and accessed elsewhere, for example in documents published by parliamentary committees (Bigo, 1996: 28, n.1). To reinforce Bigo's complaints, I would add that, at least on the basis of my own experience, initial access to a certain 'home' base (in this case, officers of the Hellenic Police) is an invaluable asset for research access.

Furthermore, as it may be evident already from the preceding section regarding the problems of extant approaches, the elaboration of scientific knowledge on transnational policing cannot rely on claims of strict adherence to methodological guidelines alone. If

5 Ethnography taken to mean 'a research method in which the researcher: a) is immersed in a social setting for an extended period of time; b) makes regular observations of the behaviour of members of that setting; c) listens to and engages in conversations; d) interviews informants on issues that are not directly amenable to observation or that the ethnographer is unclear about (or indeed for other possible reasons); e) collects documents about the group; f) develops an understanding of the culture of the group and people's behaviour within the context of that culture; and g) writes up a detailed account of that setting' (Bryman, 2001: 291).

my major grievance that most of extant approaches in transnational policing fail to problematise the social role of the police is accepted, then it should be evident that the cause of the deficiency lies in a pre-methodological, non-empirical space, and the problem cannot be rectified regardless of the particular method or the amount or the quality of the empirical data collected. What is required is an operation which can take place exclusively in the realm of theory, leading to a reconceptualisation of the fundamental questions that research poses on reality; provided, of course, that one does not understand theory as the mere reflection of 'facts', of reality as we spontaneously experience or observe. Rather, it is a process which takes place as thought appropriates reality by means of abstraction, transforms observations and conceptions into concepts and arrives back to reality as a 'concentration of many determinations' (Marx, 1993: 101). Thus theoretical labour always works on existing concepts, which constitute its 'raw material', whether they are ideological conceptions, pre-existing scientific concepts, or may appear as 'facts'; but the process of critique can only be a contest of concepts, resting on criteria of consistency derived from an internal problematic, and on the ability of concepts to demonstrate the deficiencies of their contesters by *explaining* them (Althusser, 2005b: 182–186).⁶ But what are the practical implications of this stance?

The overall configuration of this work can be generally conceived as belonging to a type which Grimshaw and Jefferson have termed 'theoretical case study' (1987: 32). After registering their complaints particularly vis-à-vis interactionist approaches in the study of policing, Jefferson and Grimshaw proposed to retain the general form of case study on the condition that a) 'the case chosen must possess a sufficient range of empirical differences and interconnections to constitute a starting point for the task of elucidating theoretical concepts generated through a critique of existing theory', b) the study is 'not confined to comprehending structures of meaning in the interactionist sense', nor 'confined by the methodological prescriptions of interactionism—the triangulation of observation and conversational meanings in a jointly held-in-common universe'; and c) an enlarged design is necessary—meaning in their case that apart from observational work, detailed attention is needed to 'written statements relating to working practices', to the background legal structure informing the whole', and to 'police–public contacts of all kinds' (Grimshaw and Jefferson, 1987: 32–33). Regardless of these particular directions they proposed, which aimed at capturing as many relevant aspects of their object of study, it is

⁶ This is not theoreticism. Reality remains the ultimate arbiter of theory, because it exists outside thought. And because reality consists in practice, theory is always theory-in-struggle (Althusser, 1990a).

clear that for these two authors, the whole operation is driven by the process of theoretical critique.

Accepting the position that a 'case' is a demonstrative construct pertaining to theoretical discourse alone, and that therefore the logic of its construction is 'to demonstrate a causal argument about how general social forces take shape and produce results in specific settings' (Walton, 1992: 122), I take a slightly different approach inasmuch as I impose an additional, somehow more stringent requirement on the selection of the case. In addition to the external criteria I have laid above, the selection of the elements I combine aims to fulfil an 'internal' criterion in that it should constitute a platform where the processes giving rise to transnational policing can be more clearly expounded in terms of structural causality. At an absolute minimum, this means firstly, that I regard all the paths explored by existing approaches as *indispensable* determinations of the concept of transnational policing; and, secondly, that the conceptual space outlined by these elements is sufficiently deep and complex in order to show they could be theoretically conjoined under the conceptual canopy of imperialism.

'To apply and illustrate the use of' a new theoretical vocabulary is, therefore, an accurate description of what my engagement with this particular case of transnational policing consists in. I have relied on different types of sources of data, which I discuss more particularly below, and I treat them as 'raw material' upon which a series of conceptual tools will apply. And since I intend this work as an intervention on the existing literature of transnational policing, the differences entailed by the use of this new vocabulary in the working up of the material with the other approaches will also be indicated and discussed in each stage. Finally, this description stresses, quite intentionally, the incompleteness of this engagement: with regard to the empirical material I consider here, let alone the 'case' in its empirical totality, my investigation should be understood as the first tentative take on the subject matter and only that.

Policing sex trafficking in Southeast Europe

Let me explain how this operation takes place in chapter 4, which is devoted to the case study. After introducing the general characteristics of the *Mirage* operations, I enter their discussion from what is virtually the weakest link in the theory of transnational policing: its ability to connect systematically the activities of police cooperation with the criminalised activities which the former target, in the sense of establishing the link with the wider systemic determinations of transnational policing beyond a conception of the police as a

'crime-fighting' machine. At the same time, the level of the global prohibition regime against trafficking or prostitution lends itself to the discussion of a number of general concepts whose range covers the entire case investigated here. The issue of sex trafficking as such has global dimensions, and also has a history which stretches back to the emergence of the issue of white slavery and the first international responses towards it more than a century ago (Andreas and Nadelmann, 2006: 33-37; Doezema, 2000; Limoncelli, 2006; Toepfer and Wells, 1994).

Yet what concerns me here is its re-emergence in the sphere of international issues in a striking mingling with the issue of transnational organised crime and the wider actions targeting clandestine migration flows. When this configuration is viewed with the conceptual lens of imperialism, it can be shown to correspond to general processes, which are by no means novel, but which have acquired new characteristics in the present phase, particularly after the geopolitical changes occurring since the early 1990s. Two can be singled out: firstly, an intensification of struggles between particular capitals, especially between capitals with vested interests in their states and emerging capitals, one aspect of which pertains to the commodification of new areas of social life, including *sexuality* (see Taylor and Jamieson, 1999); and secondly, population movements prompted by the expanded reproduction of capitalist relations within countries of the so-called periphery, which accounts for what mainstream approaches to migration understand as 'push-pull factors' (History Task Force, 1979). On this basis, it is possible to unravel the underpinnings of the contemporary anti-trafficking regime, and situate Andreas and Nadelmann's general contention that prohibitions regimes do reflect the interests of the most powerful states.

At the same time, when sex trafficking is viewed as an issue *for* transnational policing, it is possible to identify certain characteristics which are not entirely captured by the concept of regime. Originating from IR, regimes are defined as particular sets of 'principles, norms, rules and decision making procedures' towards which the expectations of actors in a given area of international relations converge (Keohane, 1982; Krasner, 1982: 185). But apart from issues of conceptual clarity, the problem with this notion is its normative and consensual underpinnings, which make it a value-biased and static notion (see Strange, 1982). Rather, one must pay attention to practice, understood as the historical development of specific modalities of *diffusion* and *enforcement* of the anti-trafficking regime, and of the ideologies that cement these modalities.

I then move to the regional level, which is also a different level of concreteness. The focus here is on the emergence and work of the SECI Regional Centre for Combating

Transborder Crime. As I have noted already, this is the organisation that organised the Mirage Operations, and continues to play a role in the coordination of anti-trafficking police activities in the region after the discontinuation of Mirage in its original form. What concerns me therefore is a series of questions regarding firstly the relation of SECI's emergence with the wider political strategies and social changes that shaped both externally and internally the Balkan landscape after the implosion of the Eastern European regimes and the dissolution of Yugoslavia. I argue that the effects of the reconfigured balance of forces can be read in SECI's general structure, as well as in the logic of the operation in the centre, and I use the story of Mirage as a template for guiding this reading. The specific focus here falls naturally on the question of the international relations of the police, as they materialise concretely in the form of an international police organisation.

The origins of SECI are traced in the international power struggles following the Dayton Agreement (1995), and the intensive effort to integrate the Balkans in the global economy and make it 'good for business'. While the bureaucracies formerly in charge of these states negotiated the retention of their old power under these new conditions, the countries of the region experienced nothing less than economic and social devastation, as a result both of the disintegration of the previous regime, and of the violent exposure to the dynamics of the global economy. An aspect of this process has been the feminisation of poverty which accounts for the migratory exodus of women, and their availability for any kind of work abroad, including work in the sex industry (Limanowska, 2002; Mitev et al., 2001).

The results of the above processes have generate 'traits' which can be diagnosed in the legal framework, structure, funding, organisation of work, as well as the activities at SECI. One has to recognise that the entire field is traversed by the national interests of the involved parties and that, at the same time it is overdetermined by the presence of hegemonic strategies; the defining contradiction of an international police organisation is that it constitutes at the same time a point where conflicting (national) interests are balanced, and a transmission belt for the material practices on the basis of which hegemony is constituted. Both processes become manifest in the deflected and special forms effected by the presence of the representatives of national police forces, who remain in the last instance members of the police apparatus of their state. The work of this contradiction lies at the heart of the various dislocations in the system of cooperation, which make themselves evident in the asynchronous or disproportionate forms of collective action both between the involved police forces and with the entities lying at the exterior of this spe-

cial apparatus (political bodies, specialist organisations, NGOs etc).

Finally, I follow all the above threads to explore how these processes have involved and have been *relayed* by the Hellenic Police. Building upon and extending previous investigations of the apparatus of the Hellenic Police (Papakonstantis, 2003; Papanicolaou, 2006; Rigakos and Papanicolaou, 2003; Vidali, 2007), I examine the policing of prostitution in Greece in the light of the sequence of events that led to the incorporation of the general lines of the global anti-trafficking regime into Greek legislation (Law 3064/2002) by a combination of significant international pressure, by international organisations but most notably in the form of the US Department of State trafficking reports (US Department of State, 2002), and the escalation of campaigning by internationally networked NGOs. What I argue is that the official response to the pressures thus generated were, on one hand, constrained by the internal organisational and other structural limitations of the Hellenic Police apparatus, and, on the other, perhaps more importantly, they were not underpinned by a concern towards the phenomenon as such, but by wider strategies towards the use of migrant labour and also migration control at national and regional level. Essentially, the implementation of the new trafficking regime has acted as a *lubricant* towards the adaptation of Greek state policing to the interests of the ruling power bloc in Greece within the late imperialist environment and its security demands.

Sources of data

The preceding discussion now allows me to identify the various sources of data which I have used in this work, and to comment on their particular use.

(a) Documents

The first type of data which I use and which provided a natural point of departure for my investigations consists of documents such as international treaties and other legislation, with their preparatory and explanatory reports, political texts and decisions, policy overviews and action plans, as well as organisational mission statements. When these documents are taken to involve statements of a *programmatic* nature and are subjected to a careful treatment in conjunction with the rest of the material, they can provide a wealth of information with regard to the positions and strategies of 'actors' in the field. 'Careful' denotes here a critical operation which consists more precisely in a 'symptomatic' reading, which takes account not only of what a text says, but also of what it does not say

(Althusser, 1979a). This necessitates a constant movement, a re-reading of these documents over time as the research material accumulates. Not simply because nothing completely ensures that the programme announced is the programme that will materialise: rather, a programmatic statement, even when it is made in the most laconic language, is always a *relational* statement. It positions the 'actor' within a given field populated by many others who equally assume a position, and should be taken into account. Exactly because it must provide the organisational principle of an *intervention*, its relational nature regulates what is included and what is excluded, what needs to be addressed and what not. Of course, not all 'actors' weigh the same, but how much they weigh cannot be established safely beforehand. An initial reading of any one document, therefore, does not provide a safe entry point to the reality under research, one that can be taken for granted when studied once. It is a recurrent operation performed in constant conjunction with the wider picture that gradually emerges from research.

(b) Interviews

An important part of the raw material I consider resulted from a programme of interviews with police officials as well as with representatives of other state, non-governmental and international organisations in Greece and in Romania. Overall, 28 interviews were conducted between March 2004 and April 2006, and in some cases additional meetings up to June 2006 were necessary to obtain supplementary sets of information. The majority of interviews was carried out with officials of (or belonging to) the Hellenic Police Headquarters in Athens, Greece, and of the SECI Centre for Combating Transborder Crime in Bucharest, Romania.⁷ In these cases, I requested official permission to contact the officers in the units that interested me, and therefore these organisations were aware of my presence as a researcher. My work at SECI was greatly facilitated by its public relations office, through which I was able to arrange access and schedule the interviews with the officers at the Centre. The Hellenic Police required a formal application for the release of any information, including statistics, to researchers, which once processed and approved, enabled me to organise directly contacts with the competent Directorates. In both organisations, many of the officers kindly facilitated my access to material which is publicly available in principle but not easily accessible, or unclassified documents, which could only be obtained at source. As regards the main sessions, the officers individually

⁷ My visit to the SECI Centre between 29 May and 5 June 2005 was partially supported by a Small Project Grant of £300 from the University of Edinburgh Development Trust.

agreed to be interviewed on a non-for-attribution basis: it was specifically explained to each individual that it will not be possible to identify any person in the text of this study or any other work resulting from these interviews. Interviews with non police participants were also conducted on the same level of confidentiality, in principle. Although their views were aligned with their organisation's publicly stated positions in most cases, I was hoping that they would be willing to discuss details of particular issues and aspects of their work, and they were.

The interviews were conducted in English or in Greek accordingly. The use of the English language did not prove to be an obstacle in the effective communication between non-native speakers of English, including the interviewer; English is the lingua franca of transnational policing. As most participants, particularly police officials, did not particularly welcome the idea of using a tape recorder, written notes were taken during the interviews. These were brief or detailed, depending on the participants' pace and tolerance of my note-taking, and I also complemented them with my recollection of the conversation shortly after the session. All the interviews were loosely structured as I was interested to explore in as much depth as possible the selected topics concerning the patterns of activity inside the particular organisations as well as the patterns and management of relations with other police and non-police organisations and their representatives. Typically, they involved an initial set of questions regarding the activities and role of the organisation or organisational unit the participant belonged in. The continuation reflected in each case a balance between my questions and the issues that the participant was keener to elaborate on. This was expected, as their expertise and experiences often played an important role in setting the pace and adding more depth to the interview. I welcomed and have found immensely useful the personal views of the participants, but, given the small set of interviews, their direct use in the analyses that follow would in most cases jeopardise the agreed level of confidentiality. At any rate, my main concern in conducting the interview programme has been to obtain as much descriptive information regarding arrangements, procedures and results as possible in order to make comparisons, verify or supplement other information, and ultimately integrate it with the rest my material into a coherent whole in support of the argument I am advancing.

(c) Other documentary evidence

Researching the issue of sex trafficking and the particular responses towards it in Greece and the wider Balkan region has yielded a significant number of documents which, in

comparison with the more programmatic texts mentioned above, capture more closely the organisational practices crisscrossing the field. I refer here primarily to evaluation reports, training and best practice manuals, seminar proceedings, internal communications and circulars as well as statistical data, which were made available to me gradually, but particularly after I had established contact with the various agencies and individuals. While some of these documents are in principle publicly available, others are not readily, or not at all so. As regards the latter category, there is certainly no guarantee that the documents I examine represent accurately or evenly the organisational practices that interested me. However, in many cases I was able to compare similar documents coming from the same source over time, something which has permitted a critical reading. Furthermore, I have treated them not as exclusive sources of information but rather as complementing the rest of my material.

Additionally, particularly as far as Greece is concerned, media coverage of the issue, and of the different types of responses towards it, became increasingly frequent not long before I started my research and has been regularised ever since. Recall that the period between 2000 and 2003 has been marked by important events, such as the initiation of the US Department of State annual report on trafficking, which is an event of *wider international significance*, the formation of an anti-trafficking task force at the Hellenic Ministry of Public Order, the escalation of NGOs interventions, and finally the enactment of Law 3064/2002 which encapsulated the Greek state's response to human trafficking. The media, therefore, are not neutral observers of reality, but rather record and relay in distinctive ways the strategies of the different actors in the field; their role is properly part of this investigation, and therefore, I have tried to integrate their reports in my discussion, just as the previous category of documents.

(d) Prior works

Finally, it should be evident that I consider all the prior work known to me as 'raw material', which is to be analysed and treated on an equal plane as any other 'fact'. Getting access to a relative large body of work that continued to grow while my own research was evolving between 2003 and late 2006 has been a rather painstaking procedure. It was facilitated to some extent by the fact that the University of Edinburgh had been the centre of one of the efforts which brought the contemporary study of transnational policing to life (see Anderson and den Boer, 1992, and the publications related to that effort), and therefore the University's libraries were a good place to start from. Additionally, while

working in Greece I also found myself in the familiar environments of the libraries of the Law School of the University of Athens, the Library of Panteion University, and the Library of the Hellenic Parliament. A substantial part of prior work in the form of books, smaller reports and journal publications became available to me via interlibrary loans and on-line databases to which I had access via the Edinburgh University Library. Furthermore, I gained access by direct acquisition to a smaller part of the literature which I came to consider relevant but which was not readily or not at all available via the above channels.

The above is an enumeration as much as it is a distinction: in fact, as a distinction it aims to highlight the implications of working within a particular theoretical mode of production which, to variable extents, not only facilitates, but also impedes access to certain blocs of existing work and therefore to certain paths of thought. Assigning theorising to its proper place, that is, allowing theory to govern the path of the interrogation of a concrete reality, is the most effective means to overcome such limits. Of course, I do not by any means claim that the list of works which I have considered here is exhaustive; but had I remained in the realm of the questions asked by the predominant problematic of transnational policing, had I not questioned the questions, the body of work informing my interrogation would have been much thinner.

Transnational policing and its study

The aim of this chapter is to develop in detail and to substantiate the first major claim I have made in the introduction: the existing literature on transnational policing relies on a theoretical vocabulary whose deficiencies make it impossible to explain systematically the phenomena it is concerned with. Thus the task I undertake in the following pages is a thorough assessment of an ensemble of works whose theoretical significance consists in advancing, explicitly or implicitly, explanations of the organisational and activity patterns associated with the internationalisation of policing. The result of this operation will be to identify the areas where these deficiencies lie, as well as to demonstrate in what specific ways they impair the construction of an adequate, theoretically pertinent, concept of transnational policing.

The study of transnational policing as theoretical production

Before this engagement gets underway, it is important to flesh out a number of ideas previously exposed in brief. I have already suggested that the present real-world conjuncture and the development of theoretical discourse on the internationalisation of policing present the conditions for a substantive 'questioning of the questions' driving the inquiries of the prior work. This type of assessment cannot rely on a particularistic procedure of examining the individual merits and weaknesses of each work in order to arrive at a general evaluation of the state of our knowledge on transnational policing. Ultimately, such a procedure would rely on the assumption that each particular work is capable of providing the measure of any other one. This stance is not viable in the case of work on transnational policing, but not because we are found here in a pre-'paradigmatic' conceptual space, where not all research labours upon questions that are straightforwardly and universally held as valid, legitimate and, therefore, as mutually relevant. Rather, paradigms, in the Kuhnian sense of epistemic consensus (Kuhn, 1996), that inform these works lie safe and undisturbed beneath the surface of what, even among researchers, appears as a 'disorderly debate' (den Boer, 1994). In order to assess theoretically these works it is necessary to mobilise certain conceptual tools which apply to the broader task of restoring

the institutional specificity of each theoretical claim laid on the reality of transnational policing. It will be then possible to see that any such claim constitutes a product of theoretical labour under given conditions, moulded both by intra-scientific discourse, and by its intended extra-scientific use-value.

Policy and research in international policing

Advancing the above line of reasoning, let me begin by observing that, as a theoretical object, the 'universe of governmental activity at the intersection of criminal justice and international relations' (Nadelmann, 1993a: xvi) has become important only recently and within a short period of time. Thus the idea of transnational policing has rather followed a different course from its real world object, and it is important to notice not only how these courses differ, but also in what ways they correlate.

The international ventures of the police have a long history, having developed practical relevance and a considerable variety of organisational and legal facilitating structures well before they came to be perceived as an essential feature of our era of 'globalisation'. The few but valuable historical inquiries which are now available leave no doubt about this historical pattern (Andreas and Nadelmann, 2006; Deflem, 2002a; Liang, 1992). However, for the largest part of the past century, internationalised police activities occurred at the margins of what has been thought to constitute the bulk of police work *or* the object of international relations, in so far as they involved the dissemination of technical knowledge and training, or non-obligatory inquiries for information, as well as methods to supplement and assist national judicial procedures in circumstances involving an element of extraterritoriality. These activities unfolded within a definite structure of the international system, understood as a congregation of sovereign states, whose police forces constituted an exclusive mechanism for sustaining internal order and national laws. While in international police relations unilateral action has never been eclipsed as an option, its clandestine and scandal-prone nature has seemed to accentuate the above operative logic of the system. Rare exceptions apart, earlier discussions about the internationalisation of police activities not only reflected this logic, but had also been only occasional, being by and large the result of specialist interest or journalistic inquisitiveness, rather than systematic scholarly attention or wider policy concerns (Fooner, 1973; Igbinovia, 1984; Sagalyn, 1966).

The past quarter of a century or so has unveiled what appears as a global law enforcement arena, in which police forces combine resources, such as knowledge, information

and technology, and undertake joint efforts in order to wage a number of wars against the enemies of the day in a much more regular and systematic fashion. The modern wars on terror, drugs, and other clandestine criminalised activities, which seem to defy national borders and pose a threat to more societies simultaneously, have been recognised to 'primarily involve policing, not conventional soldiering' (Andreas and Nadelmann, 2006: 6). Importantly, these police activities are now inscribed in much broader developments. The renewal, expansion, or outright creation of suitable technological, organisational and legal infrastructures, the emergence of supporting ideas, rationales and policy objectives, and the production and application of relevant types of knowledge are processes which occur simultaneously and constitute integral part of these efforts. We know today, for example, that a number of US law enforcement agencies are regularly present in locations outside American soil and conduct their operations at a genuinely world-wide scale. In Europe, within approximately one decade, we have witnessed the creation of a new international police organisation, Europol, and its rapid development into a pivotal mechanism, functionally and technologically, in the coordination of efforts between police forces of the member states of the European Union. Such developments cannot be understood in isolation from the universe, firstly, of international agreements and policy decisions at different levels, which do not only enable the police to engage in systematic relations involving the exchange of information and personnel and the organisation of joint activities, but also organise both conceptually and politically the field in which this action takes place. For example, the United Nations Convention against Transnational Organised Crime (2000) with its supplementing protocols against the trafficking in persons, the smuggling of migrants and the trafficking of firearms, has been a primarily political event, which sealed an international process shaped by the political strategies, tactics and interests of the parties directly involved in its negotiation. But its constituent forces should also be traced in the preceding emergence of the concept of 'transnational organised crime', which encompasses the particular modes in which numerous international organisations, national bureaucracies (the police included), pressure groups and, not least, institutionalised research have sought to identify, investigate, assess and address the implications of certain types of activity in the real world (Castells, 2000; Sheptycki, 2003a). There are thus clear indications that the contemporary developments in the internationalisation of policing also involve entirely new levels and modalities of intellectual labour invested and embodied in the discourses secreted by the various actors populating this universe.

Approaching the policy-research relation

The above general pattern suggests that scientific research, professional practice and official policy have developed in mutual dependence. Making explicit that such interdependence exists is far from trivial, because it raises the question of the impact of policy and professional demands on the formulation of scientific discourse. This question is often muted, as the reverse direction of this relation occupies the centre-stage: either in the professional discourse of the police, who have seen in science and technology one of the cornerstones of professionalisation (see, e.g., Vollmer, 1930), or in analyses of policing, which are concerned with the implications of 'scientisation', expert involvement and particularly the use of technology in policing (see, e.g., Manning, 2003).¹ But if the existence of such interdependence is admitted, then its modality must be explored in order to situate with some precision the type of discourse that each theoretical claim about transnational policing represents. An alternative procedure towards the assessment of what is being written about the subject matter is critically dependent on this task.

The question that concerns me here can be firstly stated as follows: do politics, organisational and other group interests and expediencies in wider society impact the formulation of questions and answers in scholarly inquiry—and how? One of the reasons this path in epistemological reflection is not often trodden in the regular course of scientific work, including social science, is the quiet belief that the core of scientific activity is essentially unaffected by extra-scientific practice and discourse. Not in the sense that scientists cannot adhere to values and pursue goals according to the dictates of these values, or that the results of their work cannot be a response to demands from, or be placed in the service of extra-scientific interests, but rather in the sense that the procedures and the criteria pertaining to the production and validation, respectively, of scientific work remain essentially an intra-scientific affair at all times.

The question arises more urgently in times of social turbulence, and therefore in times when a scholar's values are likely become more decisive in guiding his or her ac-

1 These developments do not, of course, involve the police alone, but are rather inscribed in a much wider process of 'scientisation', or 'technocratisation' of criminal justice. Indicatively, David Garland (2001), having commented on the post-WWII 'colonisation' of criminal justice by experts (36–39), seems to suggest that, in the context of contemporary transformations in the field, the process continues unabated in so far as it involves the incorporation of a new generation of experts in management and new technologies (114). The particular problem that concerns me in the text is the relation between the administrative and the academic apparatuses, but I make note of this aspect here in order to underscore a certain continuity in the circuits of knowledge production, since experts remain agents of knowledge production regardless of their professional placement in one or the other apparatus.

tions; yet there is little variation with respect to the answer. Most criminologists can recall Howard Becker's discussion of the issue in his well known article '*Whose side are we on?*' (1967), understood (and criticised at the time) as a position for a radical, partisan 'underdog sociology' (Gouldner, 1968). Becker dismissed the idea that social scientists can work in a socially neutral and value-free space; he argued that sociological work always intervenes into a socially established 'hierarchy of credibility', and that it is much more likely to violate this hierarchy by focusing on the problems of those who stand at its lower end. Furthermore, sociological methods and techniques provide no effective guidance with regard to the resolution of value-based dilemmas, and, therefore, making choices on the basis of values and 'taking sides' is both a risk and an inherent quality of sociological work (Becker, 1967). But it is equally interesting to consider Becker's second take on his initial question, when, amidst a highly polarised landscape in social science a few years later, he discussed, with Irving Horowitz, the role of methods and techniques as a guarantee against the accusations of bias that sociological work is likely to provoke (Becker and Horowitz, 1972). This remarkable article is concerned with the prospects of radical sociology; it argues that sociological work may support a radical programme for social change on the condition that it conform to the methodological procedures that 'generations of methodologists have developed' and by which 'approximate truth can be reached' (50). Becker and Horowitz suggest that the established methodological procedures pertain to the collection and assessment of evidence, which do not as such bear an inherent political import. Rather, attributions of events to actors and impersonal forces involve a second layer in the procedures for causal analysis, where a sociologist's commitment to political radicalism may apply in the form of analysis and interpretation. At any rate, the viability and usefulness of radical sociology may ultimately depend on the 'scientific "conservatism"' of the sociologist (55).

The idea that science, when done well, that is, according to its own procedural dictates, is immune from ideology and political struggles is still remarkably audible, forty years later, in Michael Burawoy's recent investigation of the prospects of a public sociology (Burawoy, 2004; 2005). Burawoy argues that the evolution of sociology and the corresponding division of labour in sociology has given rise to four distinctive types, professional, policy, public and critical sociology. The sociologists fielded in these different domains are required to perform different roles as producers of knowledge, and are subject to various degrees of extra-scientific influences and pressures. Thus, each type of sociology is subject to its own pathological tendencies, which are engendered by each one's particular institutional configuration, and that, furthermore, all types inhabit a

single field of power relations, which instils a hierarchy and thus potential conflict among them. Nevertheless, and despite a careful effort to elaborate his distinction on the basis of a range of characteristics, Burawoy concedes, not unlike Becker, that there is a scientific core, a professional sociology 'that supplies true and tested methods, accumulated bodies of knowledge, orienting questions, and conceptual frameworks', from which policy and public sociologies ultimately draw expertise and legitimacy, and against which sociologies of the critical type (Marxist, feminist and so on) direct their critique and thus may fertilise and renew it (2005: 10).

The problem with these analyses and distinctions, which originate, it must be noted, from within the ranks of 'radical' sociology, is that they contribute, in the final instance, to the reproduction of an ideological and sanitised notion of the scientific enterprise, according to which science and politics are two separate domains, and their convergence is essentially a symptom of a pathology. Thus this approach confounds two distinctions which must be kept separate, as each one refers to a different instance: firstly, the distinction between science and ideology, and secondly the distinction between scientific and political practice. Unless adequate precautions against this error are taken, any typology of social science's actuality runs the risk not only of accommodating the above ideological notion by making a record of the ways in which the practice of scientists is perceived to distort the idea of science, but also of granting an ideological immunity to the core of professional sociology, since the latter remains unaffected by politics in order to function as a fundamental point of reference for all the rest—including politics. The truth of the matter emerges more vividly—and such compartmentalised views of the realities of scientific practice are proven untenable—once the latter is concretely scrutinised in the light of the material conditions which constitute it as production of knowledge.

Following this direction, let me first refer to Peter Manning's important, and pessimistic recent stock-taking of the theoretical situation in police studies, which is additionally useful because it applies to transnational policing as it involves one of the latter's parent disciplines. Manning poses the question of the connection of 'the social bases of interests and rewards to the patterning of knowledge production and acquisition' (Manning, 2005: 24). Focusing on police studies in the United States and the United Kingdom, which undeniably lead developments in the field as a whole,² he noted the his-

2 This leadership is not uncontroversial, and it is sometimes pointed out that it impacts negatively the comparative study of important issues, such as the organisation of the police (Bayley, 1985; 1999), or the so-called pluralisation of policing (Rigakos and Papanicolaou, 2003). In the latter case, Jones and Newburn (2002) have even suggested that the focus of the major questions asked in the American context may not be entirely relevant in the British context.

torical similarities and differences of the organisation and development of scholarship on the police around a network of scholars and institutions and related them with the organisation, policies and interests of public and private organisations supporting, financially and otherwise, police research in these two countries. The examination of this shared pattern allows him to distinguish in the study of policing what he calls a sociology *of* the police, one that 'explores the relevance of theories and concepts' as they apply to the organisation and activities of the police, and a sociology *for* the police, mainly 'devoted to ameliorative aims' and likely to involve 'differential revelation of facts and findings, suppression of contradictions and impediments, and a willingness to please the police audience more than an academic or scholarly audience' (2005: 30). The historical trend is one that favours the development of the latter at the expense of the former: because research incentives are increasingly policy driven, the sociology for the police often relies mechanically on ideas and concepts developed by the work of a (waning?) scholarly elite in the field; overall, it is

'radically dependent on funding, features trivial research often supported by soft money, and is ready and eager to atheoretically study any current fashionable question without theorising it[.] The present *métier* for students in police studies is the brief empirical study, and they are subject to pressure to publish early and often and limit publication to a series of unrelated, empirically based reports. This research, in turn, is produced by a few centres, and the conceptual work is drawn from the original research of a few known scholars' (2005: 38).

Manning sees the creativity of individual scholars and their genuine concern about the question of justice as the driving force behind the sociology *of* the police: backed up by ethics, philosophy and reflection on the values and aims of the practice of policing, this stream of work is seen to have relied on a number of theoretically relevant concepts by being fertilised from wider bodies of theory, such as Marxism, symbolic interactionism, institutionalism and so on (35). Conversely, little in its counterpart escapes his damning verdict; he explicitly singles out the concept of the occupational culture of the police as an example of a concept unreflectively regurgitated by the sociology for the police.

Manning's commentary contains a number of nuances which preclude a reading through the lens of the distinctions discussed previously. Rather, his analysis suggests that the sociologies of and for the police *cut across* the domains of professional (academic), policy, critical and, perhaps, public sociology. This is underscored by his insistence to identify the theoretical elite in the study of policing not on the basis of its institutional locus, but rather in the light of its preoccupation with theorising the realities of policing

and their link with the issues of 'ethics, justice or equality' (37). In fact, not even the distinction between the two police sociologies should be understood as a hard and fast distinction between two separate but related strands of intellectual work on broadly the same subject matter. The historical overview he offers has indeed the merit of referring to the study of policing as *one single field*, where identifiable forces are at work and determine the distribution of material resources and personnel roles. The message is fairly clear: politics, in so far as they involve at least the intervention of organisational and occupational interests, play a fundamental role in regulating the balance of forces within the field of the study of policing, in the layout of the material, organisational and financial terms of the production of knowledge, and the direction of its output towards a specific range of issues.

The concept of the theoretical mode of production

The preceding remarks bring me to the idea of intellectual work as being inscribed within a mode of knowledge production, to which I have alluded already in the introduction, and which it is now time to develop more decisively from my theoretical standpoint by drawing on Althusser's concept of a mode of theoretical production (1979a: 40–43), as elaborated by Dominique Lecourt (1975a) and particularly by Wal Suchting (1986).

Suchting was concerned to develop Althusser's rather brief remarks in *Reading Capital* on the idea that the practices from which knowledge emerges can be analysed as a special process of *production* which works upon a special object. As noted already, a mode of production³ comprises a number of elements constituting what can be thought as the 'deep structure' of the social whole. In the narrowest sense, it firstly comprises the labour process, wherein a series of factors and relations between these factors are present: (a) the raw materials which are to be transformed, (b) the tools or instruments which are used to transform these materials, and (c) the labour power which applies⁴ the tools on the materials. Work proceeds according to a plan leading to the creation of the finished product for the sake of which the whole process is initiated. These elements are thus combined in technical relations having to do with natural constraints and necessities in the process, and also, importantly, in social relations of control exercised by the agents of production

3 On what follows, see also Balibar, 1979b: 211–216: 'mode' is 'a system of forms which represents one state of the variation of the set of elements which necessarily enter into the process considered' (211).

4 In other words, *transforms* the materials into the product. This is *practice*: 'any process of transformation of a determinate given raw material into a determinate product, a transformation effected by a determinate human labour, using determinate means' (Althusser, 2005b: 166).

(including the non-worker) over the factors of production. The latter play the decisive role in the reproduction of the process by engendering particular modes of exchange, distribution, circulation and consumption of the product. As different levels of conceptual concreteness can be elaborated, the wider concept of the mode of production can be derived by considering the production process as embedded within a system of political and ideological relations, that is, forms of state and political institutions as well as the political, religious and other representations and theorisations in which people experience their real conditions of existence (Suchting, 1986: 20–21).

Yet instances other than economic production can also be conceptualised as being subject to a particular mode, a specific combination of social relations. Thus Suchting fleshes out the concept of a 'theoretical mode of production', which applies, as a materialist approach, more particularly to the production of knowledge as a process involving (a) the raw material, the real object to be known under a certain description, or pre-existing representations, ideas and theories, (b) the tools or instruments used to transform this material, namely, material instruments, e.g., of measurement in an experimental setting, or existing knowledges or methods (e.g., statistical methods) for 'working up the raw data', and (c) the labour power which applies these tools to the material. Furthermore, he considers the technical layout of the process, defining 'technical' relations, and also the product itself: a statement 'which can in general be described as the solution or answer to a problem' (Suchting, 1986: 22). The combination of these elements constitutes the concept of theoretical labour, which by further elaboration of the concrete relations between them enables a conceptualisation of the wider theoretical production process: social relations of control determine here particular modes of exchange, distribution, circulation and consumption of knowledge; to take a simple example, these are manifested in the forms that power relations between authors, researchers, journal editors, publishers, institutions and sponsors assume.⁵ Along these lines, Suchting ultimately understands the concept of the theoretical mode of production as pertaining to the embedding of the theoretical production process in the wider 'set of political and ideological practices and institutions' related to the production of knowledge.

Suchting's approach is evidently useful towards a more systematic examination of the constraints that the material organisation of the production of knowledge imposes both

5 Institutional dependencies, therefore, need not be direct, nor are the effects of the embedding mode restricted to particular types of social research: for example, the commercialisation of access to online publications affects any type of social research, and its effect is distributed in accordance with the economic capacities of the organisations with which researchers may be affiliated. And so on.

on the agents engaged in this process, and on what is and can be produced by the latter. From a Marxist perspective, a theory of knowledge always involves the question of the history of knowledge, that is, of the real conditions of the process of the production of knowledge, and, therefore, underscores the socially determined character of knowledge, in contrast with notions of the possibility of 'formal and atemporal conditions of knowledge' (Althusser, 1990b: 8). These positions do not negate that scientific inquiry 'produces at each moment of its history its own norms of truth' (Lecourt, 1975c: 164), or that there can be a process of genuine cumulation of knowledge on the basis of these norms. But contrary to the Kuhnian approach of paradigms, the derivation of these norms is not exclusively a matter for the scientific community to decide,⁶ but it is, in the final analysis, the contingent product of science's historical constitution among other social practices.

To relate what has been written so far with the purpose of this discussion, the preceding analyses establish the thesis that *any theoretical claim on the reality of transnational policing reflects the institutional matrix of its production*: to the extent that the institutional loci of the production of such statements are identifiable, their assessment must take necessary precautions against the possible 'biases' that the former may induce. But it is still necessary to go a little further, because this approach does open up the possibility to consider more thoroughly another critical, and much more pervasive dimension in the formulation of questions and answers in theory, and, therefore, to lay down more refined criteria for the assessment of the theoretical situation in the field of transnational policing.

It may be remembered that one of Althusser's more profound and lasting concerns had been the distinction between scientific knowledge and ideology, a theme which relates his work with the influential vein of *historical epistemology* of Gaston Bachelard (Bachelard, 1984; 2002) and Georges Canguilhem (e.g., Canguilhem, 1991). Althusser built heavily on the Bachelardian idea of the *epistemological obstacle*, which broadly refers to the result of the induction of extra-scientific values, that is, of extra-scientific notions and preferences in the formation of scientific concepts. In the *Formation of the Scientific Mind* Bachelard goes to great lengths to illustrate with examples from the history of modern science how different types of epistemological obstacles, such as primary, naïve empiricism or substantialism, operate as sources of intellectual stagnation and inertia and must therefore be overcome, indeed 'destroyed', for science to advance. Thus he put forward a decidedly discontinuist approach to scientific knowledge: one knows *against* previous knowledge, and 'critical moments in the growth of thought involve in fact a total re-

⁶ For a more detailed discussion and critique of Kuhn's theses on paradigm formation, see Lakatos and Musgrave, 1972.

organisation of the system of knowledge' (2002: 26). Scientific knowledge emerges as the result of a rupture by means of which thought breaks away from the epistemological obstacles holding it in captivity.

Althusser's intervention in Marxist philosophy drew directly on the above ideas regarding the formation of scientific thought in order to assist a philosophical re-reading of the Marxian opus, and particularly to posit the occurrence of an *epistemological break* by means of which Marx was able to transcend Hegelian philosophy and to formulate the pivotal postulates of the problematic that informs his mature works, above all *Capital* (Althusser, 2005a). But Althusser's conceptual framework extends well beyond this intellectual debt to Bachelard (Balibar, 1979a). The latter was concerned broadly with the epistemological implications of scientific practice, and his work can often be read as a polemic against philosophy, in the sense that philosophical thought induces extra-scientific values in the formation of scientific concepts. The work of the former, on the other hand, is firmly situated within a Marxist problematic and was, in fact, intended as an intervention in a specific theoretical conjuncture in Marxist thought and a response to particular theoretical tendencies therein (Althusser, 1976a; see also Lewis, 2005). As Resch (1992: 181) points out, Althusser's concepts are not reducible to those of Bachelard: the grounding of Althusser's analyses in historical materialism informs the concepts of theoretical practice and of the mode of the production of knowledges, and results to a conceptualisation of knowledge as the product of intellectual practice materialised within a definite grid of economic, political and ideological relations. It therefore accommodates historical epistemology as a region of a science of history which pertains to scientific practice and its particular effect, scientific knowledge, and allows the delineation of the relation of the latter with the knowledge effects produced by ideological practices (Althusser, 1979a: 66–67). To state the import of this difference succinctly: an epistemological break, the overcoming of an epistemological obstacle, involves a process by which ideology is transformed to science,⁷ and, furthermore, the concept of the theoretical mode of production allows both an analysis of the conditions under which this may occur as well as an assessment of the import of ideology on scientific practice.⁸

7 In contrast, the concept of ideology is patently absent in Bachelard's analyses (Lecourt, 1975b: 141). My reference to Bachelard, apart from providing the necessary background, also facilitates the distinction between the framework I am using and other approaches informed by a discontinuist epistemology.

8 A concern with the concept of ideology and the role of ideology in society is not a Marxist prerogative; rather, both term and concern predate Marxism. But ideology has gained a full body as a concept in Marxist thought and it is against this background that Althusser's work has made a distinctive contribution in renewing interest and debate on the topic (Balibar, 1979a; Eagleton, 1991; Hirst, 1976; Larrain, 1979; 1983). For my part, I draw a set of proposi-

While one of Althusser's most determined assertions regarded the distinction and, indeed, opposition between ideology and scientific knowledge, his positions nevertheless recognise that both are constituted in the common field of social practices which work upon representations of the real world. Following Marx's delineation of the essential levels that a social formation comprises as an organic totality (Marx, 1987: 263), Althusser understands ideology as a distinctive structural instance and objective reality which pertains to the ensemble of representations, values and beliefs of social agents (Althusser, 1990b; Poulantzas, 1978b: 206). Ideology is not reducible to the individual subjects' ideas and representations of reality, but rather has an existence which is both social and material.

We may recall that the original Marxian approach understands ideology in a threefold way as, firstly, an imaginary and illusory ('inverted') representation of social relations, which is moulded, secondly, by the intellectual dominance of the materially ruling class, and whose explanation, thirdly, must take account of the contradictions of material life (see particularly Marx and Engels, 1976b: 35–54, 59). The key that lends conceptual coherence to this approach is historical materialism's fundamental emphasis on *practice*: as Marx asserted in his *Theses on Feuerbach*, all social life is essentially practical, not only because 'sensuous human activity' materially produces human existence, but also because it governs the ways consciousness of this existence is gained (Marx, 1976). Furthermore, in the *German Ideology* Marx and Engels develop the above theses in an account which connects ideology with the material development of social life and the growth of the division of labour into increasingly complex patterns independently of the will of social agents. According to this account, as Jorge Larraín observed, ideology can be understood to constitute 'a solution at the level of social consciousness to contradictions which have not been solved in practice' (Larraín, 1983: 28).

This formulation is important because it allows an identification of the field in which ideology operates: if ideology is engendered by the unsolved contradictions of practice, then its contents pertain more precisely not directly to reality as such (and, therefore, while it relates to the real world, it is not a knowledge of reality in the strict sense), but to the manner in which social agents relate to their lived experience of these contradictions in practice, that is, of contradictions in the field social relations. This is the same to say that people as social and conscious beings need to 'make sense' of the world, the society

tions which seems to me consistent with my understanding of Althusser's theses overall and serves the development of my argument. Although parts of his analyses should be read with some caution, because of his partial reliance on Bhaskar's critical realism (see Bhaskar, 1978), a more detailed discussion of the issues that concern me here can be found in Resch (1992).

in which they live. Ideology's function is to iron out the effects of such contradictions and restore at an imaginary level a relative coherence in the agents' experience of their conditions of existence and position in the field of social relations. Thus it 'refuses to allow a contradiction within it, but attempts to resolve any contradiction by excluding it' (Poulantzas, 1978b: 208; see also Macherey, 2006: 146). At the same time, this function can be best understood from the viewpoint of social reproduction, since, if ideology eases the insertion of social agents into social relations, it equally bestows the latter with a degree of coherence (Althusser, 1971: 162–165; Althusser, 1990b: 23–25; Larrain, 1979; Poulantzas, 1978b: 206–208).

Ideology, then, is an objective level of the social structure: it has a social existence, and cannot be reduced to the sum of individual agents' representations, beliefs, moral values and aesthetic preferences (Althusser, 2005). Rather, it is structured by the organisation of the production of material life and the distribution of agents in the class relations this structure engenders. Marx's insistence that 'the ideas of the ruling class are in every epoch the ruling ideas' (Marx and Engels, 1976b: 59) draws the necessary conceptual consequence that the matrix of social relations of domination and subordination, and of economic exploitation, is inscribed in the content of all ideology in a class society. At the same time, if ideology is 'overdetermined by the class relations in which the structures distribute their agents', as Poulantzas remarks, it should indeed be deciphered from the starting point of class struggle, which involves exactly contradictory class practices (Poulantzas, 1978b: 209). This is because ideology is itself practiced: it exists and is experienced through distinctive types of practice, which are concentrated in distinctive regions, or themes, and are also associated with, reside and are embodied in particular institutions, such as the family, the church, schools and universities, political parties and trade unions, the mass media, arts and sports. Althusser called these institutions Ideological State Apparatuses (ISA), and saw them as the material vehicles of ideology, since the existence of ideas is inscribed in the materiality of practices involved in the rituals defined by the apparatus. Furthermore, since ISAs are themselves the product of the division of labour, it also follows that they are particular points where contradictory class practices intersect, and, therefore, although they exist under the tutelage of the dominant ideology, they may be sites of intense class struggle (Althusser, 1971).⁹

I believe that the preceding elements allow an approach towards the sense Althusser

9 I shall return to the question of the designation of ISAs as *ideological* and as *state* apparatuses at a more appropriate point in chapter 3, in the discussion of the police as apparatus. I believe Althusser's analysis has a relevance for the entire Marxist theory of the state, beyond the analysis of ISAs.

has posited the opposition between ideology and science, and also a more concrete appreciation of the value of the concept of theoretical production. If ideology and science exist in a necessary relation where 'science exists on condition that it continually frees itself from the ideology which occupies it, haunts it, or lies in wait for it' (Althusser, 2005b: 170), it is because both are constituted as social practices that produce 'knowledge effects' in a wider sense; yet they differ with respect to the modalities by which they produce their effects, and, thus, with respect to their specific effectivity. Because ideology expresses the manner in which social agents experience, at an imaginary level, their conditions of existence and position in social relations, it is a subject-centred discourse, which emerges from a field predominated by personal and group interests (Resch, 1992: 184): its function is to offer solutions. Stated differently,

'in the theoretical mode of production of ideology, the formulation of a *problem* is merely the theoretical expression of the conditions which allow a *solution* already produced outside the process of knowledge, because imposed by extra-theoretical instances and exigencies (by religious, ethical, political or other 'interests') to *recognise itself* in an artificial problem manufactured to serve it both as a theoretical mirror and as a practical justification' (Althusser, 1979a: 52, emphasis in original)

On the contrary, the characteristic of scientific discourse is exactly its distancing and disengagement from such personal and group interests, which results in the production of knowledges regarding the structural mechanisms at work in nature and society. Science is initiated and also advances by the discovery of such mechanisms, that is, of *theoretical* objects through which the errors of existing knowledge can be demonstrated, and which, in turn, offer the conceptual basis around which the production of further knowledge can be organised and formalised. The idea of the 'epistemological break' acknowledges that the beginning of a science is marked exactly by the emergence, or rather irruption of a new *problematic*. Scientific discourse differs from ideology in that it constitutes a higher-level discourse produced by a specific practice which appropriates and reconstitutes in thought the real world without being prejudiced by concepts other than those formed within the domain of its conceptual system and validated by the latter (Althusser, 1979a; Althusser, 1990b; Resch, 1992: ch3).

Although the structure of scientific practice contains the indices of its relative autonomy from ideology, it is nevertheless a process which is circumscribed by history, in the double sense that science must continuously break away from its necessary background, ideology, and must do so against the material conditions and practical interests from which ideology emerges. Althusser's positions, particularly the more 'mature' ones,

communicate a strong sense of the fragility of this process: science does not only feed at a theoretical level on both the knowledges it itself produces *and* on the ideological notions and conceptualisations which surround it (2005b); rather, contradictory tendencies between convictions and beliefs stemming from the experience of the immediate scientific practice on one hand, and extra-scientific beliefs formed outside this practice and moulded by the dominant ideology on the other, are inscribed in the very structure of scientific practice itself (1990a: 131–136 particularly). These theses, which are complemented by the analyses of the reality of ISAs as carriers of the materiality of ideology, lay out a path on which the problem of the history of science can be posed, since the resolution of these contradictory tendencies of scientific practice ultimately depends on the balance of historical forces which determine the theoretical effects of class struggle.

The distinctive utility of the concept of the mode of theoretical production is that it makes the latter type of inquiry possible. If Suchting's analysis of the social embeddedness of scientific production makes clear the necessity of the material ties, and thus limits of scientific production imposed by a historical institutional configuration, Althusser's original insights—which form, after all, the basis of Suchting's approach—shed light on the additional limits this embeddedness imposes on both science's raw material and the process by which it is transformed into knowledge. Science therefore is infinitely engaged in a struggle to break away from ideology, from which it necessarily emerges, but also in a struggle to filter out the ideological impurities, which it necessarily contains. It is now time to see the particular use of this approach in the context of the study of transnational policing.

Implications

I began this section by posing the question of adequate criteria for assessing the extant literature of transnational policing and its issues, whose historical development, overall, seems to conform with the prevailing political attitudes towards the interstate system, and, in turn, towards the nature and role of police cooperation itself in international relations. My asking why this should happen brought me to a terrain which, admittedly, has not been trodden by the students of transnational policing; but I believe that the gains from the preceding analyses are indeed substantial.

It is not merely the case that the theoretical production of transnational policing is embedded in a wider set of institutional arrangements that defines materially the practical limits which it can or cannot overpass as an activity. Conceptually, this case remains in

the common ground shared by the perspective I have put forward above, and Manning's inquiry about the 'social bases of interests and rewards' moulding the production of knowledge in transnational policing. What this approach captures is the rather obvious truth that the increasing relevance of transnational policing in international affairs would explain both the dramatic change of pace in the production of work on transnational policing, and the pronounced presence of particular lines of inquiry in the extant literature associated with policy. These developments have been also noted and, to a certain extent, lamented by other authors, such as Mathieu Deflem (2002a).

Indeed, the present state of play very much contrasts the situation as it stood twenty five years ago and for the largest part of the past century. The occasional interest of the preceding period has been succeeded by the emergence of the study of transnational policing as a relatively distinct scholarly field of inquiry. Within this field, there is now a number of researchers making regular contributions towards the knowledge of the structures, activities, scope and implications of policing across and beyond borders. And there is also a much larger stream of analyses conducted in close connection with the police organisations and other power centres involved in the development of transnational policing, and with direct regard to concrete policy questions relevant for the practice of the latter. This undoubtedly correlates with the growth of internationalisation in policing, which generates the need to monitor and plan these activities with regard to the specific resources and objectives of the organisations which perform them. In fact, beyond the work of internal functionaries, this process involves various research centres which, while distinct from the political and operational organisational core of the institutions involved in transnational policing, whether international, national or transnational in nature, they carry out research whose scope and objective is defined in accordance with the institutional needs of that core. This is a situation which can be clearly discerned in connection with numerous and sizeable research programmes, such as EU's AGIS and ARGO programmes on 'third pillar' areas, including police and justice cooperation. It is, therefore, possible to discern a large body of work, which is more or less adapted to and serves the immediate functional needs of the emerging apparatus of transnational policing. Therefore, the assessment of the theoretical claims it presents must take into account the strong possibility that it communicates a very specific and narrow—in short: ideological—perspective of activities and issues in the realm of police cooperation.

Yet in the light of the actual patterns of research activity in transnational policing, it is impossible to make *in principle* a hard and fast distinction between separate domains in knowledge production. These patterns indicate a generalised intersection of the commun-

ication channels between research, practice and policy. If, on one hand, various agencies need to generate knowledge of the fields they engage in, there is equally little doubt that social scientists may or must channel their own research programmes and theoretical concerns into the activities of relevant wider epistemic communities (Haas, 1992)¹⁰ and therefore may routinely engage in processes which are primarily relevant for practitioner audiences. More than any other type of research in policing, work on transnational policing typically requires access to sites away from a researcher's home base, and additional resources, including financial backing and international networking, if not enlarged research teams. Therefore, conventional institutional boundaries are blurred. Take for example the early investigations of Malcolm Anderson and his colleagues of the development and prospects of European police cooperation, of 'Europoling', as they called it, in the beginning of the 1990s (Anderson and den Boer, 1992; Anderson et al., 1995; Anderson, 1994), or the similar effort undertaken by a different team led by John Benyon (Benyon et al., 1993). Such efforts have featured a working core of academic social scientists and have been driven by a range of theoretical concerns, but they also have a clear and significant impact in the way that more practically oriented audiences situate their own practice with regard to these wider developments (see, e.g., Das and Kratcoski, 1999).

The decipherment of this pattern requires the consideration of an additional dimension, beyond the question of the web of ties knitted by incentives and rewards. The problem can be formulated as follows: on one hand, it can be observed that the current production of knowledge on transnational policing does not constitute a *uniform* body of knowledge, but is shaped by the multitude of extra-disciplinary interests associated with its institutional stakeholders and sponsors, and also attracts the interest of a variety of academic disciplines, such as criminology, organisational sociology, politics, IR, law, which each approach it from a different perspective. Yet it does exhibit a considerable degree of *unity*, in the sense that while the various works take diverse approaches in the selection of themes and topics for investigations (e.g., organisational purposes and policies or researcher preference or ease of access and so on), they also appear, at the level of analysis, to utilise certain forms, which are invariably shared and replicated.

10 I am using the term 'epistemic' in Haas's (1992) sense, according to which an 'epistemic community is a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area' (3). Although its conceptual origins can evidently be traced in the circle that upholds and labours within a 'paradigm' in the Kuhnian sense, Haas explains that his definition of this circle is wider than a 'scientific community'.

It is exactly this particular aspect that must be problematised, since the presence of these forms, in so far that it results to the suppression of evident contradictions between the reality these works consider and the accounts of it that they construct and present, could be attributed to the effects of extra-theoretical instances rather than theoretical rigour and systematicity. In the light of the analyses of the preceding section, the *affinity* between the types of knowledge of transnational policing emerging from the different circuits of its production can be understood as an effect of the inculcation of the *dominant ideology* in and by the apparatuses that comprise these circuits. If the web of incentives and rewards contributes the building blocks of this knowledge, that is, the issues and the means and methods to study them, it is, in fact, the dominant ideology that glues together these materials into a relatively coherent discourse, which, in the final instance, is functional to the state's pursuits and hence corresponds to the interests of the dominant class. I am therefore suggesting that the assessment of prior work must be aware, firstly, of the co-presence of the structure of the ideological production of knowledge that produces the characteristic recognition-misrecognition effect, by which the formulation of a problem *mirrors* a solution which has been produced by extra-theoretical instances and exigencies (Althusser, 1979a: 52–53, 67), and, secondly, that the theoretical forms by which the various issues are approached are consequently indices of the effects of the dominant ideology under which the apparatuses of the production of this particular knowledge labour.¹¹

This formulation of the problem is consistent with the idea of the global imperialist chain, which informs my theses: to speak of the dominant ideology is in the final analysis to speak of the dominant ideology of the today's dominant social formations in the global system, where the apparatuses of the production criminological knowledge are concentrated. I have already taken the time in the introduction and earlier in this chapter to point out that in the international division of labour in the production of criminological knowledge, and thus of the knowledge of transnational policing, the predominant apparatuses are in fact those which belong to the states occupying the heartland of the

11 I must insist here on a delicate point, whose correct understanding depends on the positions regarding the constant struggle of science and ideology in science, which I adopted in the final part of the preceding section. Problematising and acknowledging the effects of ideology on the theoretical forms of analysis in transnational policing, is by no means a dismissal of extant work as ideological and unscientific; this astounding clarification is sadly necessary, because it is sometimes the case that engaging in the type of analysis I propose to employ is seriously misunderstood or misrepresented as a wholesale rejection of all prior science (see on this, e.g., Turner, 1977). But regardless of how one sees appropriate to wage paradigm wars, to believe that the structures of objective knowledge can be constituted once and for all is a highly problematic assumption.

global capitalism. That this dominance is not at all inconsequential is of course a point to which I will return repeatedly, since some of the roots of hegemonic relations in transnational policing can be clearly traced here.

It follows that the specific content of the dominant ideology which intervenes in each case is a problem for concrete analysis, so that more specific limits are assigned to the specific effectivity of the theoretical production of transnational policing in the international relations of the police as an overdetermined reality. In the context of the present discussion it will suffice to focus on certain general characteristics of the study of transnational policing as it emerges from the much more advanced academic traditions, which correspond to a much more advanced level of *capitalist relations of production and social division of labour*. The reference to the latter is appropriate here, because they constitute in the last instance the roots of a characteristic reliance on notions framed and offered by juridico-political ideology, which, being the dominant region of ideology in capitalism, it furnishes the template for the various instantiations of *subjectivism* (Therborn, 1978) that is rampant in today's social science. Therefore, a critique of the sources that inform the study of transnational policing, which are immediately traceable in the established division of academic labour, will not bear its full effect without establishing a point of reference to the above deeper structures of the theoretical forms employed by the works that will concern me here, for it is exactly these structures that tend to induce the ideological 'excess content'—to return to Suchting¹²—by which the dominant ideology marks out the limits of the path on which objective knowledge emerges.

It is now possible to codify the results of the preceding analyses before putting them to work. It is firstly clear that the effects of specific institutional interference in the formation of the theoretical vocabulary in the study of transnational policing must be identified and assessed. The inadequacies of this vocabulary can be attributed to the entanglement of theory with policy or particular organisational expediencies, and to the inadequacies of the 'paradigms' to which researchers subscribe, in so far as they are in-

12 Suchting's very interesting argument on the question of 'excess content' regards the result of Newton's theoretical labour in physics. He argued that Newtonian physics 'cannot be understood except in terms of the theoretical ideology in the matrix in which occurred'. 'This theoretical ideology in turn cannot be understood except in terms of the social relations characteristic of the embedding mode of production, which also supplied the technological basis for Newton's model for the understanding of nature'; under these conditions, Newton did achieve a (relatively) successful conceptualisation of nature which was consistent with the empirical-objective results of his work. However, his theory carried an 'excess content', which had been ideological in nature in so far as its underpinnings can be traced to an individualist ideology characteristic of bourgeois social relations, which are 'lived' as market and exchange relations (see Suchting, 1986: 25–28).

dices of the organisation of knowledge production within the particular milieu of the academic apparatus which the latter reside. Nevertheless, the formation of transnational policing as a theoretical object also takes place in a wider unified space where the articulation of the structures of ideological and objective knowledge production possesses the particular effectivity of engendering a relatively cohesive worldview. Theoretical critique must make its own uncertain bid by exposing *in this particular space, too*, the modalities of ideological hindrances in the development of objective knowledge of transnational policing. What this procedure involves is much more than replacing one 'paradigm' for another, let alone, to indicate my next step, 'readjusting' the mix of theoretical insights that the study of transnational policing draws from its parent disciplines. What must be entered is exactly the (pre-'paradigmatic') terrain where the *dominant ideology* gestates the terms by which the study of transnational policing *misassigns* rank and significance to the processes that constitute its object. Let us see.

The theory of transnational policing: a critical assessment

The above procedure for assessing prior work on transnational policing takes into account the discursive interference generated within particular institutional sites of its production and the more pervasive effects of the dominant ideology, which lends a relative coherence in the conceptualisation of the subject matter. My opening claim, that the existing literature on transnational policing relies on a theoretical vocabulary whose deficiencies make it impossible to explain systematically the phenomena it is concerned with, is now more specific in the sense that I have indicated more precisely the sources of these deficiencies. The remainder of this chapter will identify and discuss more concretely the forms in which these deficiencies appear.

For the purposes of the following discussion, it is now also possible to distinguish between two different types of statements regarding transnational policing. The first type includes statements which reflect more directly an ideological problematic, in the sense that they reflect more directly how the phenomenon is perceived and rationalised from within the apparatuses it involves. These are found in such forms as speeches, action plans and activity reports produced today in abundance by these organisations, and their common theme is captured uniquely by former UN Secretary Kofi Annan's remark that 'if crime crosses all borders, so must law enforcement' (quoted in Savona et al., 2003: 37). While reality is thus addressed either from the perspective of the political expedencies served by, or from the perspective of the organisational needs and purposes of these ap-

paratuses (see, e.g., Council of the European Union, 1999c; Europol, 2007; Vitorino, 2002; 2003), this is a treatment which remains silent either about the process of criminalisation or about the purposes, methods and institutional controls of law enforcement agencies. Both the activities designated as criminal and the activities pertaining to law enforcement are presented as given facts, while beyond the commonsensical appeal of the idea that 'the police do something about crime', nothing of substance is being said about the social purpose and suitability of this particular articulation of actors, actions and issues.

The second type of statements are presented as scientific treatments of the phenomenon, concerned exactly with how this particular articulation is the product of historical and social processes. We are dealing here with a sociology *of* transnational policing, an endeavour driven by theory and concepts, which lays a claim to objective knowledge by producing substantive explanations of the phenomenon in the light of wider social relations and processes rather than the rhetorics of law enforcement alone. It is on this stream of work and the concepts and theories it uses, that the critique I am advancing in the remainder of this chapter focuses upon. The exclusive attention paid to these works is not due to quantitative reasons. It is, of course, true that this field, when compared to its previous state of non-existence, may indeed appear to be 'efflorescing' (Sheptycki, 2003b: 810). Nevertheless, it still comprises a rather limited number of publications in the form of books and articles in academic journals, which are arithmetically insignificant vis-à-vis the vast production stream of policy-oriented documents related to transnational policing today. Their significance is rather qualitative, since elements from these works are often pressed into official and practitioner discourses and thus play a legitimising role by infusing purely descriptive or analytically unimportant accounts with a sense of scientificity (see Das and Kratcoski, 1999). But this is not all: in so far as these works engage exactly with those aspects of the phenomenon that policy-oriented talk silences or 'black-boxes' altogether, they present a prime target for theoretical critique. From a historical materialist point of view, because this stream of work is academic in nature but exists in a state of relative freedom from the institutional strictures of policy making, it is likely to offer scientific elements immersed in a discourse which is still ideological. And, as it follows from the theses presented in preceding section, since these works are still exerted to the homogenising effects of the dominant ideology, they offer formulations that represent entry points firstly towards possible breakthroughs for objective knowledge and towards the decipherment, secondly, of the silences of the policy-oriented discourses, something which from a critical political viewpoint should be a

prime task of the day.

The above considerations play a role in the arrangement of the following discussion in three distinct parts. It should be remembered that the academic nature of the works that concern me here involves certain dependencies on prior ideas and debates found in the disciplines from which they draw insights. Since the wider political and ideological relations of domination and subordination are typically present in deflected forms engendered by the spontaneous ideologies residing in particular academic fields, the identification of these dependencies is important in so far as they constitute conceptual obstacles, which may preempt certain paths of inquiry in particular ways. To anticipate the results of this discussion, the central problems of the role of the state and of political struggles in the development of transnational policing are perceived in certain illusory forms which throw off-balance the entire path of the investigation, and which are precisely induced by prior formulations of these problems within academic discourses. If, as I am arguing, extant research on transnational policing constitutes an advance towards knowledge of the phenomenon, it is exactly an advance against these conceptual obstacles. A critical appraisal of this achievement must therefore precede the discussion of the problems that extant theorising of transnational policing fails to address.

The idea of transnational policing

The defining concern in the analysis of the contemporary international relations of the police—reflected in the term ‘transnational policing’—is the interchange between police organisations as distinctive state bureaucracies, and also with the interactions of the latter with other state agencies, international organisations and non-state organisations (including criminal ones). Thus current theorising on transnational policing draws its raw material from the empirical manifestations of the international activities of, and interactions between different national police forces and other organisations, and crafts its particular theoretical object according to the type and scope of these activities and interactions.

The classification and assessment of these police activities and their context by the different authors appears to vary considerably, and the identification of common theoretical underpinnings in prior work can be a rather difficult task. A first approach would be to take the variations in terminology as a sign of substantive differences; from this viewpoint, the various works appear to occupy concentric circles, as it were, corresponding to how wide the universe of relevant interactions is drawn. In this sense, the content of the

traditional term international police cooperation, the 'inner circle', is reflected, for example, more in Mathieu Deflem's (2002a) work, who sees the field as the interactions between police bureaucracies. As James Sheptycki (2003b) notes, this is not transnational policing in the proper sense, which would include a wider range of agencies, whose efforts pertain to the provision of 'security through surveillance and the possibility of coercion' (Sheptycki, 2002: 7) in a global context.

Once, however, we have obtained the above sort of generic description of their work process, it becomes evident that the above differences are rather peripheral: they strictly regard the delineation of relevant actors in the international system and in policing. This is exactly the point of James Sheptycki's above criticism of Deflem's account of international police cooperation in *Policing World Society*. Deflem understands bureaucratic autonomy as the constitutive force of international police cooperation. He argues that 'international police organizations with broad international representation could only be formed when police institutions were sufficiently autonomous from the political centres of their respective national states to function as relatively independent bureaucracies' (2000: 741), and sees the organising principles of international police cooperation in the similarities of the institutional position of police bureaucracies across nations. Sheptycki, on the other hand, acknowledges a higher level of complexity in that system of relations, since his approach assigns relevance to the interplay between the 'sovereign state's representatives, sub-state actors and non-state actors' (2003b: 812). But it is evident that they both are *in agreement* as regards the necessity of acknowledging the relevance of actors *other than the state*: in fact, Deflem draws a sharp distinction between his theoretical viewpoint and other approaches which he rejects as 'state-centred', that is, as positing an unconditional dependence of police cooperation policies on central government and the political centres of the state (2002a: 30–31).

The above point should be firmly grasped, because it is the ground where all recent work transnational policing stands in agreement, namely *a distancing from the centrality of the state in the governance of the international interactions of the police*. This thesis appears clearly in what I consider to be the opening statement of the new literature on the contemporary state of police cooperation, Malcolm Anderson's important study of Interpol, which acknowledged that 'contact between police forces of sovereign and independent states has been intensifying to the point where there is a qualitative shift in its nature' (1989: 13).¹³ Following the same direction, Ethan Nadelmann advanced a framework

13 I do regard Malcolm Anderson's book on Interpol (1989) as the opening salvo of the contemporary investigation of international police cooperation—in the sense that it seems to me to be

firmly grounded on considerations of organisational behaviour, an analysis of the 'behaviour of a particular set of agencies and officials, the tasks they perform, the challenges they confront, and the reasons they succeed or fail' (1993a: xix), in the tradition of Allison's (1971) examination of the Cuban missile crisis in the light of relations between governmental bureaucracies, that is, sub-state actors that pursue instrumental goals defined by their own particular organisational needs. Finally, for authors whose origins are found directly in the field of police studies, like Sheptycki, this stance is consistent with the field's shifting away from a conceptualisation of policing by exclusive reference to the role and activities of state agencies alone, towards the acknowledgement that 'policing, far from being the exclusive prerogative of the police, is undertaken by a complex network of public and private agencies' (Bayley and Shearing, 2001; Johnston and Shearing, 2003: 10; Sheptycki, 2002: 7)

But how is this thesis to be understood? What does it mean that the conceptualisation of transnational policing moves away from notions of the centrality of the state? The attempt to answer these questions only highlights the fact that the understanding of the contemporary international activities of the police have developed in very close connection with two distinctive regions of academic scholarship, IR and, naturally, the sociology of the police, from which those who contribute in the field systematically draw insights from. It follows that the concepts and approaches used in the study of transnational policing are invariably defined (or defined against) concepts and approaches residing in each of these parent disciplines, thus leading to a distinctive mix in each case. Moreover, the theoretical connection to certain wider developments, such as the questions of globalisation or European integration, is made, more often than not, through the conceptual lens of the parent disciplines.

Let me focus more closely on James Sheptycki's work, because to him we owe the most systematic explanation of transnational policing as a concept grounded in developments in *both* police studies *and* IR (Sheptycki, 1995: 616; Sheptycki, 2002). Additionally, his work exhibits in the most transparent fashion the above procedure of defining transnational policing with the help of (and also against) ideas residing in the parent disciplines.

the first systematic work in mainstream English-speaking political science to pose the problem of the implications of the growth of international police cooperation for political theory. The link with bolder approaches in *transnational* policing is quite appropriate, even though this particular work steers well clear from any dramatic assertions of globalisation. It is the book's explicit roots in a 'liberal tradition', albeit a 'sceptical' one (17) that place it in the same theoretical camp, as I will show very shortly.

'Transnational' refers directly to a core postulate of a stream of work in the 1970s that sought to highlight the role and impact on international relations of such international actors as multinational corporations, interest groups and non-governmental organisations, and also sub-state bureaucracies and agencies (Huntington, 1973; Nye and Keohane, 1971a; b). *Transnational relations*, according to this idea, are 'regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organisation' (Risse-Kappen, 1995a: 3, my emphasis). As Tim Dunne notes, 'the overriding image of international relations is one of a coweb of diverse actors linked through multiple channels of interaction' (Dunne, 2001: 170), and conveys the idea that identifiable transnational actors or transnational coalitions of actors, such as multinational corporations, financial agents such as central bankers, human rights groups or government officials pursuing an agenda independently of national decisions engaging in such interactions and attempting to achieve particular economic, political or other goals may indeed gain access to policy making processes and eventually have a significant policy impact (Risse-Kappen, 1996).

For his exposition of his concept of transnational policing, Sheptycki drew directly from the work of Nye and Keohane (Sheptycki, 2002: 8), yet he resisted the adoption of the term 'transgovernmental' which these authors proposed in partial correction of their initial thesis, and which would more properly apply to the international interactions of the police as 'sub-units of governments [which] act relatively autonomously from higher authority in international relations' state bureaucracies (Keohane and Nye, 1974: 41). This particular stance seems to have been dictated by, and is perfectly consonant, as I have already noted, with the current theoretical shift from a sociology of the police towards a sociology of policing; hence 'transnational policing'. But it is clear that other authors, too, generally adjust their terminology by reference to the positions they adopt within the parent disciplines: Anderson et al.'s (1995) 'Europolicing' draws from the special theoretical body concerned with European integration, whereas Ethan Nadelmann, who used the term transnational policing and acknowledged the connection and debt to the transnational relations literature, generally adopted the apparently more neutral term 'internationalisation' to describe the development of the activities of US law enforcement agencies abroad (see Nadelmann, 1993a: xx, 108–111).

Evidently, the theme of transnationalisation resonates with current discussions of globalisation, a term which refers to a range of developments in the real world in the past fifteen years or so. Globalisation is taken to refer to a 'widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life' (Held et

al., 1999: 2), an 'intensification of worldwide social relations' (Giddens, 1990: 64), manifested as markedly increased flows of trade, capital, information and people within an integrated global market which, in turn, shape new patterns of interactions and interdependence in the global system (Cohn, 2003; Hirst and Thompson, 1996; Keohane and Nye, 2000). Transnational relations are, therefore, inherently involved in the constitution of the new global landscape, exactly because it is conceived to involve a plurality of actors other than national states, whose power base is other than the type of monopolistic political authority that national states are assumed to possess, and who accumulate that power by transacting in the different domains of activity involved in the channels of economic, informational or cultural interdependence (see Keohane and Nye, 2001: ch.2).

The reconfiguration—or original emergence—of a global arena along the above lines poses urgent questions as to how, as Held and McGrew note, 'global affairs and transboundary problems are governed' (2002: 8). Insofar as interdependence creates a pluralist universe, it is conducive to the emergence of multiple channels of communication, adds complexity to the process of agenda formation and necessitates diverse strategies to pursue interests and goals in equally diverse issue areas (Keohane and Nye, 2001). It thus creates the conditions, or necessitates the reconfiguration of the processes by which regulation is sought and achieved. A pivotal aspect of this reconfiguration is typically theorised as *a shift from government to governance*, which is practically an acknowledgement of the necessity for private actors, including particular interest groups in various issue areas, no matter what their power base, and thus, the nature of their capacity to exercise authority may be, to be represented, as stakeholders, in the process of decision making and the shaping of policies (Rosenau, 2002). Consequently, this shift is thought to bring about a heightening of the role and relevance of international organisations, in so far as they are better placed to act as mechanisms for policy aggregation internationally. It is also thought to engender a functional adaptation of the state apparatuses, a restructuring towards a novel form which corresponds to this pluralistic environment. Anne-Marie Slaughter calls this new form the 'disaggregated state', emerging from 'the rising need for and capacity of different domestic government institutions to engage in activities beyond their borders, often with their foreign counterparts' (Slaughter, 2004: 12). As Slaughter goes on to explain, the traditional formal and centralised channels of interstate relations are more likely to be circumvented, both in a horizontal sense, that is, in the form of interactions between government officials of different nationality, and in a vertical sense, in the form of interactions between national officials with those of suprana-

tional organisations (Slaughter, 2004).¹⁴

In the particular idea of transgovernmental networks we find a certain core image of the phenomenon as conveyed by studies of transnational policing, the content of the innermost circle, as it were, of the concept which the drawing of all others presupposes: it comprises patterns of formal and informal interactions of the police, as a particular sub-state bureaucracy, with their counterparts or other police-related international organisations across state boundaries occurring in conditions of relative autonomy from the central mechanisms in charge of the official foreign policy of their states. James Sheptycki's seminal case study of transnational policing in the English Channel region builds on materials and observations sources from police agencies—that is, governmental agencies (Sheptycki, 1998a; 2002). Equally, in Anderson et al. (1995) 'Europolicing' is a field whose boundaries are delineated by the wider framework and balance of power within the evolving institutions of the European Union, but whose specific content and pace of development are actively shaped by the interactions of police bureaucracies.¹⁵ Furthermore, Mathieu Deflem (2002a) has explored a different historical context to argue that the origins of international police cooperation can be explained by the historical patterns of exchanges between the increasingly autonomous professional police bureaucracies. These patterns feed a process of *institutionalisation* which, according to Deflem, continues to be relevant today.

The above outline of the origins of the concept of transnational policing, as they can be traced in the analyses of several authors, shows that although there are differences between approaches, which are significant enough to shape quite an uneven outlook when the literature is viewed as a whole, the conceptual frameworks these authors utilise towards the understanding of contemporary developments in the international activities of the police *share a number of fundamental assumptions* and are indeed *theoretically akin*. This affinity makes therefore possible an critical assessment of the accomplishments of prior research as a single theoretical body.

14 For a full exposition of *transgovernmentalism*, see Raustiala, 2002.

15 The particular focus on European integration is insignificant for theoretical classification: while in this case it would be more appropriate to speak of a (neo-)functionalist approach (meaning here a particular theoretical explanation of European intergation—see Rosamond, 2000), as Robert Gilpin notes, the latter, transnationalism and transgovernmentalism stand very close together at the level of fundamental assumptions (Gilpin, 2001: 399).

The theory of transnational policing: a critical appraisal

The new literature of transnational policing advances an understanding of the phenomenon which involves a theoretical motion in two dimensions: firstly, at the level of the designation of relevant actors, that is, of the number and nature of the primary units which participate in the system of relations under study, and, secondly, at the level of the understanding of the processes which shape the patterns of relations between those actors. These constitute closely connected aspects of the same theoretical motion, because as soon as a plurality of actors below and above the state (or central government) has been asserted as relevant, a more complex explication of the patterning of their relations is required. The reason is that it becomes impossible to assume that this plurality of actors is positioned on a single relational plane, as would be the case for an understanding of international police activity and cooperation as strictly dependent on the dictates of state sovereignty and national interest. This is the same to say that a greater number of variables, economic, social, technological or political, which affect the behaviour of these actors becomes relevant for the explanation of the patterns of relations in transnational policing.

It appears therefore that the most useful entry point to the answers provided by the literature can be found with the help of the metaphor of *levels*: it is possible to speak of three different dimensions of the phenomenon which, in their combination, advance an overall answer to the question regarding the processes by which relations in the field of transnational policing are configured.

A first dimension regards the formation and evolution of a special type of *international regimes*, which Andreas and Nadelmann call 'international prohibition regimes' (Andreas and Nadelmann, 2006: ch2; Nadelmann, 1990). In the academic field of International Relations, the idea of international regimes is used in the investigation of patterns of cooperation and involves 'sets of implicit or explicit principles, norms, rules and decision making procedures around which actors' expectations converge in a given area of international relations' (Keohane, 2005; Krasner, 1982: 186; Ruggie, 1975).¹⁶ Andreas and Nadelmann see the emergence of global prohibition regimes as a contingent process which rises from a combination of international and domestic politics, in so far as both depend on external pressures and domestic struggles involving national and transnational organisations which influence the 'actions and opinions of diverse societies'. At any

¹⁶ A more detailed discussion of international regimes will follow shortly: the definition is merely given to facilitate the presentation at this point.

rate, international prohibition regimes such as those concerned with piracy, slavery, prostitution or drug trafficking have historically reflected 'the economic and political interests of dominant members of international society', but may also involve 'moral and emotional factors' (2006: 17–18). Not all prohibitions are capable of escalating to the status of a global regime. Rather, they depend on a gradual redefinition of certain activities as a problem, which, through a process of agitation which takes various forms, including the application of force, financial incentives, or diplomatic pressure, is diffused internationally and becomes, with the mediation of international institutions, the object of criminal laws and police action. Nadelmann's study of the internationalisation of US law enforcement, particularly against drug trafficking, has demonstrated extensively various aspects of this international agitation process, effected through a combination of the operational expansion of American law enforcement agencies and persistent diplomatic efforts (Nadelmann, 1993a).

A second dimension is related to the particular activities, exchanges and interactions, of police officials at the international level. The focus here is on those mechanisms and practices which are characteristic of international police cooperation, namely, the international police organisation, such as Interpol (Anderson, 1989; Bresler, 1993; Fooner, 1973; 1989), or Europol (see, e.g., Santiago, 2000), particular arrangements of cooperation at regional level or at the border (Nadelmann, 1993b; Sheptycki, 1998a; Soeters et al., 1995), and, of course, the concrete organisation of work and the new roles which transnational policing involves, such as the diffusion of knowledge through training, the analysis, exchange and use of information, and the characteristic role of the liaison officer (Bigo, 1994; 2000; Nadelmann, 1995; Sheptycki, 2002).

While some part of the literature in this area engages in analyses of institutional and organisational frameworks, a distinctive strand mobilises the concept of the *occupational subculture* of the police, as a set of 'learned problem solutions', 'embedded in the routines of the "job"' (Sheptycki, 1998b: 58). The understanding and use of this concept in police studies varies (see Skolnick and Fyfe, 1993; Skolnick, 1994 for the archetypal concept of the policeman's 'working personality'; also, Reiner, 2000: ch.3), but it essentially communicates the idea that the occupational subculture of the police is shaped by the characteristics of the police role, and in turn defines the repertoire of responses police officers are likely to mobilise in the course of their professional activities. A number of different works have contributed towards an outline of the wider determinants of the occupational roles of the police agents involved in the international relations of the police, but it is James Sheptycki's work which has pushed more decisively towards the investigation of

the concept in the context of transnational policing. According to Sheptycki, the correlates which frame the subculture of transnational policing flow from its technological and legal infrastructures as well as its political and managerial regimes, and give rise to a range of *roles* (the 'diplomat', the 'entrepreneur', the 'technocrat', the 'fixer', the 'enforcer', the 'public relations man'), which are enacted in the occupational subculture (Sheptycki, 2002: ch3). Generally, the idea conveyed here is that the main engine of the development of transnational policing is fuelled by the professional exigencies of the police role, and it is the one also informing Mathieu Deflem's (2002a) analyses. It is in this line of work that the connection of the field with the mainstream police studies is established.

A third aspect, finally, involves what Hebenton and Thomas, writing in the mid-1990s, have termed the 'recoil effect' of police cooperation (1995: 104). By this term they aimed to capture the mode in which the evolving structures of European police cooperation and the domestic (national) structures and operations of the police in the United Kingdom relate. While Hebenton and Thomas consider some of the changes in UK policing as stemming from the need of the British police forces to compensate for the practical and legal implications of the development of a European system of police cooperation, they identified various factors, such as the decentralised model of the British police or differences in occupational police cultures, as possible impediments to the even development of an emerging European policing system. The idea of the recoil effect addresses therefore an essential aspect of the process by which transnational policing develops, namely, the role and effects of particular domestic policing structures in the wider mode of development of the phenomenon. This is the inverse aspect of a process described by Ethan Nadelmann as the 'Americanisation' of foreign criminal justice systems, that is, the latter's approximation of the operative logic and methods of American criminal justice (Nadelmann, 1993a); what Nadelmann's analyses capture in many cases is the interaction of the exposure of national policing structures to policies and activities pursued by the agencies of the dominant state in today's international system.

Analyses of this last very complex aspect of the phenomenon are unfortunately the least developed in the literature. Within Europe, the discussions have gravitated around the theme of the 'Europeanisation' of criminal justice systems of the member states of the EU, again as a result of the increasing interactions between the different national police forces, and of the gradual legislative harmonisation on the basis of common EU policies of the 'third pillar' (den Boer, 2002b; Peers, 2000). While this is an obvious and valid path of inquiry, it is often saturated with an argumentation of a legalistic type which

tends to equate the real processes determining police work with developments in the political and legal frameworks pertaining to it. Although early warnings had been issued against this 'naïve separatism' which assesses and evaluates models of police cooperation independently of the wider forces bearing on policing (Anderson et al., 1995: 88), the practice of timetables and scoreboards, particularly in the European arena, has hardly abated. One sees very clearly how a traditional 'legalistic-bureaucratic approach' to policing (Dixon, 1997) is replicated in the much more complex subject of police cooperation at the detriment of a substantive understanding of the processes gearing the phenomenon. At any rate, regardless of whether it emerges as a thesis or an antithesis, the essential point at this level rests with some appreciation of the effectivity of the 'movement from below' in the constitution of transnational policing as a phenomenon of the international/supranational sphere: it identifies the national policing apparatuses as *active* integral parts of the process. But that the point is less often and more weakly made is hardly surprising, not only for want of research, but for want of theory too, as we shall see, because what is involved here is the question of hegemony.

A bird's eye view the literature as a whole is likely to yield an impression of fragmentation: over time, and despite occasional collective efforts which bring together insights from work on different levels (Anderson, 1994; Bruinsma and van der Vijver, 1999; Fijnaut, 1993b), the various authors appear at any rate entrenched in the distinctiveness either of the approach they originally introduced in the field or of the particular problematic that dominates their respective fields. But the previous section has demonstrated the theoretical affinity of the theses adopted by these authors, and it should be now evident that, on this basis, it is the *combination* of the insights gathered from work at each of the levels delineated above that constitutes an advance vis-à-vis more traditional understandings of international police cooperation. The point does not strictly regard whether some authors have been more careful or effective in their effort to establish the necessary analytical links between their particular object of investigation and the other levels of the phenomenon. The crucial question, the answer to which would determine a degree of real achievement, is whether what is being studied is conceptually bound with a novel image of internationalisation. Each work, when viewed individually, has been unable to establish this connection effectively—and this *incomplete step forward* is perhaps the root of the relative radicalisation that I believe can be detected in the recent production of some of these authors. Yet, in the light of the discussion so far, it is possible to assert that, as an *ensemble*, this literature does communicate the essentials of a theoretical shift, and more specifically that:

- there is a process of internationalisation of police activities which cannot be conceptualised as pertaining to the sphere of international affairs alone, but rather relates to a state of increasing integration between different societies, manifested by the growth and thickening of economic, social and cultural crossborder ties.
- this process of internationalisation involves a multifaceted interchange between the different national police forces, which cannot be reduced to the pursuit of technical organisational objectives of the police related to the suppression of crime alone, but rather involves flows of technologies, knowledge, techniques and mentalities that do impact not just policies, but the very organisational logic of the police.
- all the elements involved appear to possess a special effectivity in the unfolding of this process and that therefore causal explanations of the forms and paths of action transnational policing takes must necessarily take into account an increasingly complex range of relations.
- the analysis of the process cannot be separated from the question of how power is distributed among and exercised by the relevant international actors. The balance of power relations in transnational policing involves the capacity of these actors to influence processes of policy making; it follows that patterns of activity are also likely to reflect the prominence of certain states in the international system (see Andreas and Nadelmann, 2006).

Now, all these propositions deserve close attention, but they are all dependent on what I consider as the main conceptual thrust intimated here, exactly because it explains why the ensemble of these propositions constitute in fact a shift, and in what sense it is an important one. What I have in mind is a particular type of break with regard to the conceptualisation of the relation between the police and the state.

The stream of work on transnational relations is usually (and correctly) understood as a reaction against realist orthodoxy in mainstream IR, which grounds its image of the international system on the notion of the sovereign state as the principal actor in international politics (see Dunne and Schmidt, 2001). As Thomas Risse-Kappen explains, many of the original contributions on transnational relations claimed 'to replace the state-centred paradigm of world politics by a society dominated perspective' (Risse-Kappen, 1995a: 14). According to Risse-Kappen this way of posing the question about transnational relations was wrong, the correct regarding how exactly transnational relations affect world politics; nevertheless, the importance of posing the question in such a way, and with specific regard to the international relations of the police, cannot be underestimated.

Work on transnational policing incorporates this particular conceptual shift in thinking about the nature of the international system.¹⁷ Of course, not all authors have engaged directly with the debates in IR to take sides explicitly—this stance has been, after all, facilitated by the ubiquitousness of globalisation-talk, which has rendered this conceptual shift accessible to disciplines beyond IR (Deflem, 2002a; Sheptycki, 2002). But there is little doubt that all the analyses of transnational policing primarily contrast—and they do so starkly—a pre-existing, relatively insular understanding of police cooperation as consisting strictly in lower level technical and administrative tasks associated with the police role; such an understanding is nothing but a corollary of the orthodox realist theses in IR. The literal non-existence of any substantial and theoretically meaningful analysis of police cooperation in any of the disciplines informing today's research in the field is, of course, the decisive piece of evidence in this respect. Such a view is also supported by certain characteristic specimens of how this understanding had been embedded in the professional ideology of the police themselves. Writing in 1966 about the cornerstone of twentieth century international police cooperation, Interpol, an American law enforcement official commented that

'it must be stressed that Interpol's effectiveness depends entirely on the voluntary nature and cooperative services of its members. Interpol has no investigative force or police authority of its own. There is no obligation on the part of any country to comply with any request from information or assistance. If for any reason the recipient Interpol bureau decides that a request is improper or not permitted under its own laws—or that it is otherwise unwilling to obtain the information requested—the matter ends. Each country is the sole arbiter as to whether or no a request for assistance, either for the Secretariat in Paris or from a member country directly is processed; and any investigation made is performed by its own police or responsible investigative branch' (Sagaly, 1966).

More must be read in these lines than a simple rendering of Interpol's policy, dictated by its peculiarly opaque characteristics as an international organisation (Anderson, 1989; Sheptycki, 1995). The principle of respect to national sovereignty which is enshrined in its constitution (Bossard, 1988; Fooner, 1989) captures quite accurately a particular mode of understanding the organisation of the international system as an aggregation of autonomous ontological units, *sovereign states*, which exist in the absence of any

17 And also by a conceptual shift in thinking about the police, manifested in the stream of writings on the privatisation or pluralisation of policing (see, e.g. Jones and Newburn, 2006). But in the context of the present discussion this is of secondary importance because the sociology of the police has rarely used the concept of the state as a basis for explanations of police work, unlike IR where the entire realist tradition rests explicitly on the assumption of the centrality of the state.

overarching authority and exercise 'final' authority over their territory and population in so far as they constitute discernible 'political communities' in the Weberian sense (Weber, 1978b: 902). It follows that the police function, as it pertains to 'forcible maintenance of orderly dominion over a territory and its inhabitants' (Weber, 1978b: 901; compare here the definition of the police role by Bittner, 1979: 46), is a sovereign function *par excellence*, and, therefore, the international interchange of police forces can only occur under specific conditions that are not detrimental to a state's sovereignty: it may only exist as voluntary, cooperative, and mutually beneficial activity, regulated by the state's overarching rationale of exclusive control over territory and population.

There are, of course, compelling theoretical reasons for which this view of police cooperation, in so far as it organises the conceptualisation of international relations of the police on the basis of the institutional effectivity of sovereignty, is bound to offer a very distorted view of the real world, if it is not outright untenable. While sovereignty as a juridical institution is an essential cornerstone of international law, it cannot by any means perform the same function from the viewpoint of social theory. No matter what meaning one attributes to sovereignty,¹⁸ its content invariably refers to an institutional form pertaining to the exercise of authority and control, something which *presupposes* a system of historically constituted social relations where the power base of the institution is found. In other words, sovereignty's effectivity is (over)determined by the structures that engender the organisation of the modern world system as an inter-state system in the first place. Thus to assign theoretical priority to sovereignty as an organising principle in the explanations of police cooperation displaces the real problem, in so far as it reproduces directly or indirectly ratifies the quintessential *realist* view of the state as a primary and unitary actor in international relations: for all practical purposes, the problematisation of the form of the institution results in a reification of the state and a reduction of international relations into a process powered by states-actors, whose attributed properties *forbid* any further analysis of what lies 'inside' or 'below'.¹⁹

A series of historical evidence suggests that police cooperation cannot be efficiently understood at the level of relations of states *qua* states, because such approach obscures the institutional specificity of the police apparatus and, from a different angle, attributes

18 For a useful synopsis of the various different meanings of sovereignty, see Krasner, 1999: ch.1.

19 I am concerned here with the reification of the state by both the classical realist orthodoxy and neo-realist *institutionalism*. A good example showing that both are prone to the problem I am pointing at is Thomson (1994: 14–20), illustrated by expressions such as 'also remarkable is the state's lack of fear of the growth of private power' (1994: 143). I shall return to this problem shortly. For a thorough critique of the realist orthodoxy in IR see Justin Rosenberg's incisive discussion (1994: ch. 1).

a false sense of agential unity to states. Transborder police activity and contacts between different national police forces do not constitute new phenomena. Although there is clear need for more intensive research in this area, the available evidence shows that the development of these activities coincided with the early development of the modern police organisations themselves and had been a distinctive part of their mission as *particular* agencies of the state, that is, in the division of labour among agencies of the state. Liang (1992) offers an extremely interesting overview of *political policing* activities in nineteenth and early twentieth century Europe, which not only were carried by police agents across border with or without central government knowledge or permission, but also served as a matrix for the development of forms of international cooperation at the level of police administrations. Mathieu Deflem's work (2002a; 1996), whose theoretical framework compels an interrogation of police practices at the level of their organisational vehicles, also offers a wealth of historical evidence of low-level (in contrast to high diplomacy), inter-organisational cross-border interactions for the same period. In this light, the works examining international police activities in the twentieth century confirm rather than discover the fact that transnational policing is constituted in a field which does not necessarily exist in conditions of absolute dependence from centralised, 'higher' levels of foreign policy conduct, and that its prime mover appears to be *the particular operative logic of the police apparatus*, with or without regard to the formalisation of contacts and procedures at this 'lower' level by means of international law instruments.

As I have therefore noted already, all the works which comprise the new literature on transnational policing return to the above point in various ways, and they assign to it special theoretical significance accordingly. Particularly for theorists whose work related directly to police studies such an organisational focus and the questions that relate to it are derived immediately from the core problematic of mainstream police studies. Sheptycki's work gravitates around a rescaling of the interrogation of police subculture, by which police studies have attempted to explain the issue of police discretion and of the particular professional attitudes of police officers (see, of course, Skolnick, 1994) to a transnational framework which problematises the 'links between particular manifestations of the occupational subculture of policing agents and the political canopy of their governance, including, but not limited to, sovereign states' (2003b: 812).

I have insisted on how the new literature of transnational policing treats the problem of the relation of the police with the state for two reasons. Firstly, there is no doubt that this work must be fully credited for its bold breakthrough against notions of international police relations as mere appendix of interstate politics. By attacking a certain mythical

notion of the state as an ontological given (see Krasner, 1995: 257), crafted by the realist orthodoxy to suit the needs of inter-state power politics, research in transnational policing has uncovered a wealth of interactions of policing agents as representatives of particular bureaucracies and their respective interests. It has thus produced an image of international activities of the police that appears to be more faithful to their real-world patterns. But this is an advance that should be considered in the light of these particular characteristics, that is, as an advance against prior notions of the field: secondly, therefore, it is precisely this question that permits a thorough theoretical critique of the positions adopted by the theory of transnational policing. I concur here with Thomas Risse-Kappen's assertion that the question of the state represents generally the most important entry point towards the unravelling of the theoretical errors of the discussion on transnational relations, because it confounds the distinction between structures and actors in world politics (Risse-Kappen, 1995a; b). But stated in such terms, this is obviously a problem that goes deeper and has a general significance for social science beyond IR. In the following section, I return to the theses I introduced in the first half of this chapter in order to demonstrate that this is indeed the case, and to examine in what sense the treatment of these problems suggests that an *ideological problematic* is still present in current analyses of transnational policing.

Ideology as obstacle in the theory of transnational policing

The preceding section has provided an appraisal of recent work on transnational policing by juxtaposing its positions to certain conceptions of international police cooperation potentially²⁰ derived by realist theses in IR. The defining line of this contrast is primarily drawn against the realist axiom of the state as an ontological given, the state, in other words, as an irreducible structural quantity and state policy as an irreducible category referring to agency in the analysis of the international system. The corollaries of this position also bear upon the questions of actions and issues in the international system, since realism assumes an international system with no overarching authority ('anarchy') motored by the states' pursuit of national interest and striving for survival (Rosenberg, 1994). What is therefore implied in the positions taken by the transnational policing literature is a fundamental disagreement with the realist analytical point of departure. The latter effectively turns international police activities into a non-problem, both in the

20 In the sense that apart from certain references embedded in the official ideology of international police cooperation, no concrete analyses of the phenomenon from the viewpoint of orthodox realism appear in the literature.

sense that the police function is unproblematically assumed to serve control of the interior, but also in that the content of international police activities would fall outside the agenda of international power politics, one that is properly saturated by questions of military and economic power.

Now, the realist problematic is sometimes presented as a question of analytical technique having to do with suitable and adequate levels of analysis in IR, that is, the selection of pertinent variables around which theories claiming to explain international outcomes should be constructed. Discussions in IR typically refer to the typology of the so-called 'first', 'second' and 'third' image, involving respectively psychological dispositions of individuals or of the people, the political regimes of individual states (the 'domestic structures') or the properties of the inter-state system as explanations of international politics (Waltz, 1959; 1979). It is clear, however, that these terms do not represent a mere technical choice for analysis. It is no coincidence that ever since its formulation, approaches challenging realist orthodoxy discuss and attack this typology as a statement which is at once epistemological and methodological, as it touches upon assumptions regarding the object of analysis and the mode of explanation. Surveying the different approaches and objections on the matter, Wight (2006) has recently argued that in reality the typology of analytical levels refers to two separable and distinct problems, and that the methodological issue can be separated from questions regarding the nature of the object knowledge of which is sought. But what I think seems to escape Wight, and the accommodation of his survey in a discussion of the agent-structure problem in IR theory proves it, is that the matter has been ingenuously formulated in realism's own terms in the first place: the entire debate is structured on the basis of the statist disposition that is invariably particular to realism, and which effectively transposes any discussion regarding the nature of international relations into a discussion of agency in the international system. As soon as the problem appears in terms of agency, the nature of the state is bound to remain unquestioned, as for all practical purposes it retains its almost mythical agential properties attributed to it by the original realist problematic.

The preceding observations bear upon the question of the relation of analyses of transnational policing with realist orthodoxy in IR as a relation of opposition and disagreement. In so far as the realist problematic has been rightly criticised as an ideological problematic, it is necessary to examine whether, from a historical materialist viewpoint, approaches aiming to oppose it are still carriers of the same ideological problematic.

As I have argued in the first half of this chapter, an ideological problematic in the formation of a theoretical object and of the vocabulary referring to this object may be in-

duced firstly by the immediate conditions of theoretical production, in other words, by immediate institutional dependencies on policy and organisational expediencies bearing upon intellectual labour. Fortunately, and unlike police studies, where Manning's observations have been a solitary moment of reflexivity, IR is quite aware of such critical dependencies in its development as an academic discipline. In fact, speaking of a 'realist orthodoxy' in IR refers to a mode of thinking about international relations whose emergence as an 'intellectual compass', as it were, for US foreign policy as the US rose to the status of world power in the post-WWII period has been very clearly outlined in a landmark 1977 article by Stanley Hoffmann. Among the intellectual, political and institutional circumstances that were unique to the US, Hoffmann (1977) noted very clearly the importance of the links between academia and government: the increased mobility of personnel between academic and policy making roles, the availability of funds to support policy-driven research, and the readiness of American universities to respond to these demands, innovate and specialise were all decisive factors for the emergence of the realist discourse, which continues to be recognised as 'orthodox' and 'mainstream'. 'Mainstream' IR thinking and realism in particular, in so far as they exhibit the intellectual characteristics induced by the above matrices of theoretical production, have come under sustained fire in the ongoing epistemological debates in IR (Hollis and Smith, 1990; 1996; Holsti, 1989; Wendt, 1998; Wight, 2006). But it is Justin Rosenberg that highlights very clearly the *ideological* nature of this discourse, as he points exactly to a particular *practico-social* function it serves in connection with policy dictates:

Realism is the conservative ideology of the exercise of modern state power: it provides a terminology of international relations which dramatises the dilemmas, legitimises the priorities and rehearses the means of *realpolitik*. ... in the logic of realism this sovereignty of the state precedes the theoretical formulation of its interaction with other states ... Under the plausible cover of conforming to the experience of the statesman, it achieves two things. It poses the state as a completed social order such that its foreign interests are constituted entirely internationally—thereby removing interpretation of the 'national interest' from domestic political contestation. And it clears the field for a purely interstate theory—since any other global structures or international agents which might complicate the picture could only be the result of the transnational extension of (domestic) sub-state socioeconomic relations, which are not recognised. ... As it is, states are seen to have only each other to deal with; and the theoretical atomism entailed by their analytical priority as completed orders dictates a mechanical conception of the structure. And so on (Rosenberg, 1994: 30–31).

The question, however, is whether the pluralist imagery that informs the transnationalist perspective adopted by the works that concern me here replicates the same ideolo-

gical problematic of realism, but at a different level and with different implications. For if, on one hand, realism, by advancing a purely interstate theory is compelled to endow states with anthropomorphous characteristics thus conceiving states as egoistic, rational actors pursuing their interests in a space where no overarching authority exists, the transnationalist imagery advances a notion of a system conforming to a logic which differs only in so far as it is intended to take account of the presence of a plurality of actors. It advances, in other words, a similarly *subjectivist* problematic, a locus communis in modern social science's effort to grasp complexity which, as Göran Therborn once noted, dictates a distinct and readily recognisable vocabulary of 'organisational goals, decision making or adaptive behaviour, modes of legitimation and enforcement of compliance' (1978: 37) as soon as social reality has been registered as an assemblage of as many component parts deemed relevant from the researcher's perspective.

The original purposes of the early debate on transnational relations in the 1970s aimed to accommodate theoretically a reality which, from the viewpoint of the study of international politics, seemed to threaten the accuracy and plausibility of the interstate paradigm. In Samuel Huntington's words, the study of world politics had to take account of what he called the 'transnational organisational revolution': he noted that in the quarter of the century following the Second World War, transnational organisations proliferated in unprecedented number and size, and performed functions and operated in scale unknown or impossible in the past (Huntington, 1973). The criterion for registering the importance of these entities, of genuinely transnational organisations, such as multinational companies or non-governmental organisations highlighted by the original transnationalist contributions, or of particular sub-state bureaucracies pursuing their interests and goals in disregard of national borders, as discussed by the transgovernmentalist strand, has been the possession of resources and influence leading to a capacity of acting 'on their own', thus impacting in distinct ways outcomes in international politics as autonomous or semi-autonomous actors. From an analytical viewpoint, the result of such an approach, whether unintended, or intended, as in the case of works openly claiming to substitute a 'state-centred' view of the world with a 'society-centred' view (Rosenau, 1980),²¹ is an inevitable and thorough expansion of the circle of entities that are endowed with the property of agency in international relations. Such reconceptualisation carries certain important implications.

21 We may be reminded here of the similar consideration which underpins Mathieu Deflem's (2002a) wholesale rejection of 'state-centred' approaches to international police cooperation. The relation between the analyses above and Deflem's emphasis on the consequences of bureaucratic autonomy is, as I shall show very soon, direct.

If ideology has a practico-social function of 'reconstituting on an imaginary level a relatively coherent discourse which serves as the horizon of the agent's experience' (Poulantzas, 1978b: 207), the ideological underpinnings of the transnationalist approach are quite transparent, to the extent that, as a discourse, the reconceptualisation of world politics as a system of a plurality of entities interacting across national borders and bearing an impact on political and policy outcomes is firstly quite congruent with the experience of the last third of the past century, no matter whether one refers to it as 'transnationalisation' and 'interdependence' (in the 1970s) or 'globalisation' (in the 1990s and after). These terms accommodate the same experience of the impressive volume of cross-border flows of goods, people, money, and of information and ideas under conditions of increasing liberalisation and the emergence of new transportation and communication technologies in the post-WWII era. In fact, as ideas, they stand in the same intellectual timeline: discussions of interdependence and transnational relations aimed to accommodate from the viewpoint of political theory of certain developments, such as the perceived erosion of American state hegemonic power in the international system and the rise of the multinational company, whereas discussions of globalisation have sprung from a cognisance of further developments in the same direction, and boosted by the major geopolitical events of the 1990s. Globalisation, of course, has sparked a debate between various approaches and views and has spawned a vast literature in the past fifteen years or so (Castells, 1996; Held and McGrew, 2002; Held et al., 1999; Hirst and Thompson, 1996; Robertson, 1992; Rosenberg, 2000; Schumpeter, 1949).

This debate cannot be entered here, although certain globalist claims will be assessed in some more detail in the following chapter as I explain the sense in which transnational policing can be theorised from a perspective informed by the idea of the imperialist chain. Rather, what matters at this point is to note the continuity between earlier discussions of transnationalisation and certain current ones on globalisation, according to which the latter appears as a highly advanced stage of a process where the former has taken a genuinely global dimension (Keohane and Nye, 2000). It is important, because it is this particular intellectual line that informs the theorisation of transnational policing, asserting that transnationalisation and globalisation are the bases of a reconfigured world order, and that a shift towards a multilayered, multilateral system of global governance motored by a plurality of actors has occurred (Nadelmann, 1993a; Sheptycki, 2002).

We may recall here that analyses of this flavour gravitate around the concept of 'complex interdependence' which Keohane and Nye advanced during the first transnationalist debate and continue to regard as relevant for today's globalised world order (Keohane

and Nye, 2000; 2001). 'Complex interdependence' aims to capture the consequences of the multiple channels of communication and interaction between actors in global politics through interstate, transgovernmental and transnational relations. 'Interdependence' assumes that the power differentials between these multiple actors determine the patterns of cooperation and conflict in the pursuit of their various goals and interests. For Keohane and Nye, this essentially means that international cooperation evolves around issues, or sets of issues, depending on the power capacity of those involved. This, of course, includes issue areas where particular sub-state bureaucracies are involved, since the approach is by definition sceptical towards the idea of a unified concept of national interest, since national *interests* 'will be defined differently on different issues, at different times, and by different bureaucracies' (2001: 30).

The crucial questions here are whether, when considered vis-à-vis realist politics, this reconceptualisation *substitutes raison d'état for organisational rationality as the organising principle for the system of transnational relations*, and whether this remains an ideological conception of this system. There is little doubt that a discursive reconfiguration along such lines holds an unquestionable use value, when examined in the light of the immediate institutional dependencies of its production. This is certainly true for American works—these often being a 'whisper in the ear of the sovereign', in Hardt and Negri's (2006: 33–34) suggestive terms. Contemporary liberalist works highlighting the importance of ideas such as 'soft power' (Nye, 1991; 2004) or 'disaggregated sovereignty' (Slaughter, 2004) share in many respects the spirit of Huntington's original 1973 article on transnationalism, which goes at considerable length to explore the American roots of the phenomenon, as an expansionist strategy of territorial *penetration* (rather than acquisition) characteristic of the 'American Empire', and to illustrate the logic and impact of transnational operations as conduits of American power in an era where nation-states and borders matter less:

Transnationalism is the American mode of expansion. It has meant 'freedom to operate' rather than 'power to control'. US expansion has been pluralistic expansion in which a variety of organisations, governmental and non-governmental, have attempted *to pursue the objectives important to them within the territory of other societies* (Huntington, 1973: 344, my emphasis).

But in so far as the organisational rationality of particular bureaucracies is accepted as the prime mover of a system of cross-border relations, a similar logic can sometimes be detected in European works—in our case, especially those which in various degrees emphasise on the importance of the various levels of relations between particular nation-

al police bureaucracies for the development of the European system of police cooperation (Anderson et al., 1995; Benyon et al., 1993). In this sense, European studies of police cooperation, which break the formidable barrier of analysing exclusively the existing or developing legal frameworks, complement respective American works, in the sense that in their essence constitute studies of the activity of police bureaucracies in historical or contemporary context (Anderson and den Boer, 1992; Fijnaut, 1993a; Nadelmann, 1993a; b; 1995; Sheptycki, 1998a).

With the above observations it is possible to obtain a plausible explanation of the happy marriage of the transnationalist perspective with police studies: for if the transnationalist perspective organises its world-view on the assumption of a multitude of actors pursuing their particular interests across borders, the study of policing already possessed a concept of the police restricted to the questioning of how the organisational rationality of the police is instantiated under conditions of interaction with elements of the external environment of the police organisation (e.g. Reiss and Bordua, 1967; Wilson, 1968). In other words, in so far as the social purpose of the police as an agency pertaining to crime control and order maintenance could be *taken for granted* for the study of the role and activities of the police inside national borders, nothing would preclude the application of a similar approach and procedure once the organisational exigencies of the police dictated an expansion of these activities beyond national borders. It appears therefore that the foundation of this happy marriage is found in the tendency to rely on an institutional definition of the police derived from official declarations of the organisational mission of the police, rather than an analysis of the structural determinations of the police role in society and of the police bureaucracy as an agency of the state. In other words, the accommodation of the police in this system of relations relies on a discounted view of the institutional specificity of the police.

The above point emerges more clearly when one considers how the theory of transnational policing conceptualises the ordering of the system of relations it is concerned with. The implications of what Therborn has called subjectivist problematic (in organisational analysis and wider social science) are equally amply manifested here, since the modes in which this ordering is theorised relates to the particular treatment of the problem of agency in international relations by the transnationalist literature, namely in connection to the admission of a multitude of self-interested international actors whose behaviour is governed by their particular organisational rationality. Risse-Kappen notes correctly that the original transnationalist approach, by seeking to replace the state-centred paradigm with a society-centred one, it sacrificed precision, as 'there is no logical connection

between the argument that states remain dominant actors in international politics and the conclusion that societal actors and transnational relations should be therefore irrelevant' (Risse-Kappen, 1995a: 14–15). The problem, however, cannot be corrected by recognising the importance of the state as an actor in retrospect, once what was originally intended, the relegation of the state to the status of an 'actor' among other 'actors', has been accomplished.

That this approach of the matter is dictated by an ideological problematic is not simply true in the sense that notions of the retreat or weakening of the state complement the *distinctively economist* notion of the dominance of the markets, a combination which as critics of globalisation—talk stress serves as the ideology of 'really-existing globalised liberalism' in the present conjuncture (Amin, 2004; Harvey, 2005; Petras and Veltmeyer, 2001). Rather, the conceptualisation of international/transnational relations on the basis of a subjectivist problematic positing a multitude of relevant actors bears the visible traces of the dominance of juridicopolitical ideology: as Poulantzas has shown, juridicopolitical ideology constitutes the dominant region of the dominant ideology under capitalism, since it is best suited to mask the dominance of the economic in this mode of production and systematically erase all trace of class domination in the discourse that serves at an imaginary level as the horizon of the agents' experience (Poulantzas, 1978b: 211–215). The subjectivist problematic in our case relies heavily on a conception of actors on the basis of the public/private distinction (state governments, sub-state bureaucracies, private actors), which is, of course, a fundamental juridicopolitical distinction that governs modern law, but ultimately bears little import as basis for conceptualising social systems. Once agency has been admitted as a basis for the construction of the system of relations transnationalism sees as relevant, these actors are put on an equal plane, since they are separated (or isolated) from the structural instances that objectively determine their position in that system of relations: rather, elements of differentiation other than organisational rationalities are understood as contingencies, thus consolidating the impossibility of questioning their very social purpose, and of conceiving the power relations that underlie them as a structural effect, rather than a consequence of the actors' inherent properties effected by subjective 'will' and 'decision-making'. This instrumental conception of power is characteristically exhibited when the latter is defined as, for example, 'the ability of an actor to get others to do something they otherwise would not do (and at an acceptable cost to the actor)' (Keohane and Nye, 2001: 10).

Subjectivism not only undermines any rigorous thinking about the concept of structure as combination of instances which lie outside the actors' immediate experience of

reality (see Godelier, 1967), but rather reduces the very conception of structure to the question of how an actor's assumed properties are experienced in social reality as values and ends which govern action. Both the question of 'anarchy' and, importantly here, the question of the integration of a multitude of international actors in a system of 'governance' are decided on the basis of these normative elements, thus leading to a conceptualisation of structure itself as a normative system, as a crystallisation, as it were, of the actors/agents' projects and ends. Here are found the deeper roots of the difficulties of certain approaches (Andreas and Nadelmann, 2006; Deflem, 2002a) raising explicitly a point against 'crude functionalism' have with radically differentiating themselves from the latter, since they do depend on a conceptualisation of the social whole that is, in fact, akin to functionalism. This predisposition is becoming manifest with their acceptance of the general significance of *regimes*, which, as noted previously, are understood in IR as 'sets of implicit or explicit principles, norms, rules and decision making procedures around which actor expectations converge', and which, therefore, 'regularise behaviour and control its effects'. The significance of the concept of regime emerges readily as a result of the admission that actors other than the state, whose behaviour is governed by their particular organisational rationality can play an independent or quasi-independent role in international relations. As Keohane noted, such self-interested actors are expected to 'seek, under certain circumstances, to establish international regimes through mutual agreement' (Keohane, 1982: 327). It is not incidental that the idea of regimes sprang from the shift of perspective that transnationalism brought about in the study of international relations, since the former is a further elaboration of the original methodological preference of the latter in studying transnational relations in the context of particular 'issue areas' and sets of dependence and interdependence (Nye and Keohane, 1971b; Strange, 1976).

While there is little doubt that such restricted use is legitimate and has certain analytical value, the tendency to generalise and overplay the idea of regimes can be shown to create more problems than it solves. The general line of critique against the idea had been formulated very early on by Susan Strange, who argued that regimes involve an *imprecise* ('woolly'), *value-biased* and, by and large, *static* conception of international relations (Strange, 1982). With the benefit of hindsight we are also able to understand why regimes did not prove a passing fad, as Strange originally thought: if my analyses above are accepted, it follows that there is an inherent proneness of the idea of regime to be vested with a more or less explicit institutionalism of a functionalist flavour, one that highlights their normative foundation and integrative function. Thus, rather than a passing fad, re-

gime analysis has rather been a transitory phase towards a general institutionalist turn in mainstream IR (e.g., Keohane, 1988; Krasner, 1983; Young, 1986). But Strange's main criticisms are still valid: in so far as regimes are understood to emerge from a degree of consensus on norms and rules which reflects the values and interests of individual actors, any analysis on the basis of regimes will tend firstly to obscure the *structural determinations* and hence the *institutional specificity* of the actors considered: it will remain unclear what sort of power motors the relations these actors engage in, how these actors came to possess it in the first place and why this power is exercised in the forms that it does. Strange was very aware of this problem as a side-effect of the perspective itself, noting how interdependence was brought into general use when what was being described 'was actually highly asymmetrical and uneven dependence or vulnerability' (Strange, 1982: 485). To the extent, therefore, that the nature of power differentials is obscured, the emergence and maintenance of the arrangements involved in regimes are equally likely to appear not as the result of a contradictory process motored by the structurally grounded, differential capacities of power centres to intervene with pertinence within a complex set of social relations; rather, it appears as the natural, as it were, course of things, in the shaping of which all actors are somehow equally involved and inevitably drawn into. The problem is that all the actors considered relevant for the emergence and evolution of a regime are placed on an equal and undifferentiated plane, whereas in reality they may be structurally unequal and different, as is the case when one considers the differences between state bureaucracies, corporations, international organisations or NGOs, or when they constitute subsets of the same structural ensemble, such as bureaucracies of the same state. This formulation masks, of course, that the system of relations that thus emerges is one that is primarily shaped by the interventions of the powerful, even though it appears as the product of consensus or convenience. And because it is constructed as a normative system, it is also open to distinctions of a normative nature, which further consolidate its value-biased and static character, since the projects and actions of agents are judged not on the basis of their social purpose, but rather on whether they conform, as expected, to the set of rules and norms that are assumed to govern that system.

Implications: mapping the critical gaps in the study of transnational policing

It is now time to see how these hindrances are more concretely manifested in the analysis of transnational policing. Recalling how the defining concern of the theory of transnational policing gravitates on the interchange between police organisations as distinctive

state bureaucracies, and also with the interactions of the latter with other state agencies, international organisations and non-state organisations (including criminal ones), it should be now clear that, while the literature as a whole communicates successfully the idea of a multi-level system of relations and interactions, which is a breakthrough towards a more accurate knowledge of the phenomenon as a synthesis of many determinant factors, it is still troubled at its core by an ideological problematic which results to the conceptualisation of a series of important problems in certain illusory ways.

The preceding analyses have raised several points of contestation, all adding up to the argument that theorising the international activities of the police through the combined lenses of transnationalism and of established approaches to the study of policing discount the institutional specificity of the police, and hence distort the logic and modality of its engagement in international relations. True, prior research has left little doubt that the police can pursue particular projects with disregard for national borders, can engage in relations with their foreign counterparts, and these relations are patterned according to certain rules, norms and expectations. But on closer consideration, it offers little towards a substantive explanation for the emergence of such systems of relations, or for the logic that holds them in place. By substantive, I do mean a type of explanation that does not refer to the declared or presumed organisational rationality of the police, whether this is understood as the 'immobilisation' of criminals (Nadelmann, 1993a: 4), or, even more comprehensively, the provision of 'security through surveillance and the possibility of coercion' (Sheptycki, 2002: 7), and thus avoids the risk of an ultimately circular argument, whereby the police are understood to act the way they do because this is what the police do. My complaint about the discounting of the institutional specificity of the police does not regard the 'proper' definition of police work; it regards the refusal of extant approaches to consider seriously the possibility that the boundaries of the organisational structure and activities of the police cannot be not drawn once and for all, but rather constitute the practical manifestation of a historical process which involves the economic, political and ideological struggles between contradictory *social forces*. To speak of the institutional specificity of the police, therefore, is to determine to position the police occupy and the role they perform, as an organisational entity and as a social force themselves in those struggles.

From a historical materialist perspective, the social forces that propel the above process are engendered by the organisation of the production of a society's material life: contrary to what is asserted by the perspectives informing the present theory of transnational policing, institutions do not possess a power of their own, they do not 'think' or 'act', but

constitute instances which are motored by *class power*, reflect the practices of the various classes in conflict, and thus correspond to the interests of determinate classes. Because historical materialism understands the social whole as an ensemble of different levels and instances which possess a relative autonomy, but are effectively determined by one instance ('structure in dominance') (Althusser, 2005a; Marx, 1987), it holds a vantage point from which the nature of an institution can be deciphered in the light of a multiplicity of structural determinations, and, on the other, the concrete social purpose of that institution can be established in connection with the contradictory class practices that converge in the field it covers. From this viewpoint, therefore, an analysis of the police institution (or police apparatus) cannot be separated from the question of the state understood as the *juridicopolitical superstructure* of a social formation, and indeed the crucial structural instance which constitutes 'the factor of cohesion between the levels of a social formation' (Poulantzas, 1978b: 44). This does not mean that other structural instances are irrelevant, or that contradictory class practices other than political ones cannot bear an effect on the police apparatus, but rather, that the organisation and practice of the police are overdetermined by the specifically political function performed by the state.

It is often correctly remarked that one of the important contributions of the transnationalist perspective has been the assertion of the integral relation of foreign policy to domestic structures and processes (Haggard and Simmons, 1987; Risse-Kappen, 1995a). But we now know that the value of this assertion rests in its being an oppositional statement to a particular form of statism residing in one of the parent disciplines of the study of transnational policing; and also as a statement which reproduces the well-established tendency of police studies to examine the subject of police organisation and activity with little regard to the macrostructures governing policing. This means that the consideration of domestic structures is limited to the acknowledgement of characteristics of actors or sets of relations between given actors in domestic politics, such as the form of the state or relations between the state and civil society (Risse-Kappen, 1995a; b). The liberal pluralist or institutionalist foundations of the political theory of transnationalism limit drastically the horizon of inquiry into domestic structures and processes (and therefore into the latter's impact on international relations), because they either regard the state as a mechanism that aggregates the preferences of groups in civil society and thus acts allocatively, or as an independent social actor that acts on the basis of its own interests and goals (see Cammack, 1990). It follows that, while as a hybrid field of enquiry the study of transnational policing has achieved a qualitative break by substituting *raison d'état* (the police as an agent of state sovereignty) for organisational rationality (the police as a particular

bureaucracy), the limits of this achievement are located precisely in the inability of thoroughly questioning this rationality as a social fact. In the light of the discussion in the preceding sections, the conclusion can be drawn that, because of the very conditions the dominant ideology shapes for the production of the knowledge of transnational policing, the acknowledgement of domestic and societal actors is delimited to a given system of institutional arrangements rather than extended to a set of relations referring to the modalities by which the arrangements came about and exist. Historical materialism, by demonstrating the ideological underpinnings of these formulations which restrict the explanatory range of prior research, also possesses an additional explanatory thrust, by taking the investigation to the level of a more fundamental sets of relations that structure its object of enquiry.

The aim of the preceding analyses has been to indicate the necessity of a change in the vocabulary used to explain the universe of transnational policing. The task of formulating a historical materialist vocabulary itself will be taken up in the following chapter. But in what remains I want to prepare the ground along certain specific lines by illustrating briefly the implications of what has been the main point of criticism on the basis of the discussion so far: *the theory of transnational policing acknowledges the international agency of the police at the cost of discounting its institutional specificity as a state apparatus*. This central issue has important implications for conceptualising the emergence, firstly, of issues taken up by the international activities of the police, the nature, secondly, of the relations that organise these activities and hold them together as a system and, thirdly, the nature and impact of the activities engendered by transnational policing.

To say that the institutional specificity of the police as a state apparatus is being discounted by the theory of transnational policing can be understood as being related to a double theoretical movement, which involves, firstly, the tendency to rely heavily on the idea that the particular characteristics and mission of police work shape a professional identity that can be universally recognised by police officers regardless of national origin; and, secondly, the idea that such differences set apart the interests and goals of the various sub-state bureaucracies to an extent that includes the possibility of discord and conflict between them. Both these elements are more or less explicitly present, for example, in Mathieu Deflem's understanding of the historical foundations of international police cooperation. As it may be recalled, Deflem proposes a theory of international police cooperation as a correlate of the bureaucratic autonomy of the police, gained through a process involving professionalisation and bureaucratisation as complementary aspects; bureaucratic autonomy is seen as important because

as a structural condition for cooperation across national borders, police institutions must have gained sufficient degree of independence as specialised bureaucracies from their respective governments; and 2) international police cooperation plans can be operationalised when participating police institutions share a system of knowledge on international crime, including information on its empirical state and expertise for its control' (Deflem, 2002a: 19).

Deflem attributes paramount importance to the increasing capacity of the police historically to operate on the basis of professional considerations and expertise, in relative independence from the political centres that created them and from which they derive their legitimacy. At the same time, he maintains that national interests remain paramount for the international police activities, giving rise to a structure of international police cooperation having the form of a collaborative network between national police systems, which may 'separately [engage] in unilaterally instigated transnational activities' (27). This latter element, however, enters the theory almost as an afterthought since Deflem does not, in fact, provide a systematic explanation of how bureaucracies that have developed a capacity to communicate and understand each other on the basis of a normative system, 'culture of rules and network of relations' based on professional values and are capable of overriding the dictates of the 'institutional settings in which they practice their profession (24)', nevertheless *persistently* pursue national interests, to an extent that the centrality of national states is reaffirmed as a factor of organisation for the entire system of international cooperation. This formulation accounts, of course, for a very real fact, yet the theoretical contradiction is irreparable, since the theory already proposes a hierarchy of determining factors where the professional values of the police hold the dominant position. Hence the pursuit of national interests enters the picture as an institutional side-effect, as it were, since Deflem claims that the transcendence of borders in international police cooperation is rationalised as an inevitable consequence of the police mission to enforce the laws of the land. Deflem takes the general view that 'institutions matter' somehow, but it is not clear how and to what extent they do: in his account of the foundation of Interpol, for example, he argues that the International Criminal Police Commission's success in establishing the organisation in 1923 was possible because it restricted its remit on matters seen by the police as pertaining to the technical functions of crime control, whereas previous attempts, such as the Monaco Congress in 1914 failed, because of their overtly legal/political approach to international policing (109). The explanation ultimately appears to suggest is that the 1923 Vienna Congress was closer to a 'closed shop' model, rather than an open conference on international policing, and provided, therefore, a more suitable ground where the conjuring up of a myth of 'interna-

tional crime' congruent with the professional ideology of the police successfully initiated formal organisational arrangements for police cooperation.²² And conversely, he later on explains the demise of Interpol before the Second World War with reference to its gradual 'Nazification', that is, to the gradual infiltration of the International Criminal Police Commission by the German Nazi (political) police.

This approach has been met with some scepticism by James Sheptycki (2003b), who, in contrast to Deflem's internationalist approach, takes a more consistent transnationalist—or globalisationist—approach at the level of the conceptualisation of the social structure (a claim I will have the opportunity to discuss more systematically in the following chapter). Nevertheless, it offers a template for the illustration of a range of critical gaps in extant theorising on transnational policing, since the ideological hindrances I have discussed are present here in condensed form.

Let me firstly examine more closely the question of the bureaucratic autonomy of the police, which reflects a recurrent theme in the literature in so far as it is seen in conjunction with the emergence from the occupational exigencies of the police role of a distinctive set of norms and rules governing police behaviour. The question is not whether a distinctive occupational subculture of the police exists or not—even though, recalling Manning (2005) again, it is possible to assert that Jerome Skolnick's original insights never reached the status of a robust theoretical concept by subsequent research. Rather, one should ask whether the idea of the police occupational distinctiveness and subculture is useful *as such* in understanding the way in which the police apparatus is attached to the institutional body of the state.

One of the themes that the current literature of transnational policing by and large ignores, but which an older strand of radical literature had explored quite thoroughly, is what sometimes are unfortunately perceived as the 'unintended consequences' of American police assistance programmes in foreign countries, particularly in Latin America. With the establishment of the Office of Public Safety, the United States launched as early as 1954 an effort to provide expertise and technical assistance with a view to promote democratic policing and strengthen the capacity of police forces of third countries. The Public Safety programme ran for twenty years, supplied assistance to fifty-two countries, trained over ten thousand foreign police officers on American soil and thousands of others in the beneficiary countries, spending overall about \$350 million. However, Marenin

22 Deflem stands here perfectly in line with the new institutionalism's insistence on the importance of 'myths' for the sustenance of institutions as normative systems (see e.g. Meyer and Rowan, 1977).

argues, the programme was marred by conflicting policy goals, as OPS also sponsored extensively programmes aiming to strengthen the capacity of those states to counter internal subversion and insurgency, thus supporting the survival of oppressive regimes and the systematic human rights violations the latter carried out (Cottam and Marenin, 1989; Marenin, 1986). In a damning critique of American police assistance, Klare and Arnson (1981) expounded the continuity in the content and implications of the American Public Safety programme and the International Narcotics Control programme, in the sense that the provision of hardware, training and technical support channelled through these programmes, despite the change of goals, was ultimately put in the service of suppression of political opposition by the (pro-American) governments in those countries. The tendency to overplay the significance of the professionalisation of policing as a technical activity and the distinctiveness of the police occupational culture obscures the fact that while police organisations are capable to pursue policies in their particular domain, they are ultimately subject to the unity of institutionalised political power which is characteristic of the modern state. Consider how, while Cottam and Marenin draw a sharp distinction between the different roles and mentalities of the police and secret services in the shaping of OPS policies (civil vs paramilitary policing, sparing use of force vs open repressions, crime control vs political control), they nevertheless assert that:

‘when difficulties arose, the OPS took the easy course and exported the most repressive, most authoritarian, and most technological aspects of the professional police model: SWAT teams instead of community relations officers, hardware instead of service orientations, management from the top instead of public involvement’ (Cottam and Marenin, 1989: 601–6602)

No matter whether or not this is a result sanctioned by the institutionalised values, professional knowledge and technical expertise of the police, one has to accept that, ultimately, *there was an American policy regarding police assistance*, and that, as Martha Huggins puts it in the case of Latin American police, its purpose was ‘to serve as a mechanism for gaining political control over recipient countries’ internal security rather than to further the spread of democracy’ (Huggins, 1998: 19). Extant theorising of transnational policing, however, cannot accommodate such an admission, because it relies heavily on the element of the professional and bureaucratic autonomy of the police vis-à-vis the other power centres of the state; in other words, because it conceptualises the state as an assortment of semi-autonomous bureaucratic actors, and not as the ensemble of apparatuses constituting the conduit of political power in a social formation, it is unable to explain the transnational activities of the police as a result of the specifically political nature of the latter’s ties with the other mechanisms of the state.

It is useful to stay briefly at this point with Klare and Arnson's exposition of the workings of the American police assistance programmes, because their argument serves to highlight certain aspects that the literature tends to neglect. For example, while the literature often brings up the point of the impact of technology in the activities of the police, especially in connection with the rise of information technologies in the past quarter of a century, it is less vocal in the examination of the specifically material ties of the police with those who provide these technologies. Klare and Arnson examined the role of the assistance programmes as an intermediary in the supply to third countries of US-manufactured equipment which would have otherwise been subject to US export regulation, that is, of handguns and firearms in general, riot agents and other chemicals, armoured cars, surveillance devices and computers. Evidently, this is an important aspect and involves not only the extent to which 'civil society' or private agents abstractly bear an effect on the international activities of the police, and indeed the very constitution of police organisations, but also the extent to which police officials themselves are aware of this effect. It appears that they are: '[a]s an OPS official explained, "we can't export police systems, but we can export technology"' (Lobe 1975 quoted in Cottam and Marenin, 1989: 602); yet the current vocabulary of the study of transnational policing lack the conceptual tools to make theoretical sense of this aspect.

But there is also a wider point which should not be missed. Klare and Arnson's finding that 'the United States stands at the supply end of a pipeline of repressive technology that extends to many of the world's most authoritarian regimes' (7) led them to the conclusion that the police assistance programmes role in what they called the 'international repression trade', the 'global commerce in police weapons, prison gear, intelligence systems, torture devices and related hardware' (100) had been in fact consistent with the characteristics of US foreign policy, particularly with the commitment of the US to counterinsurgency and political control of the recipient countries. Such a conclusion would have been unattainable had the authors limited the range of their inquiry within the official view of the purposes of such programmes in the US, which has tended to emphasise the aim of aiding the 'development of modern, "professional" police forces dedicated to the "maintenance of an atmosphere of law and order under humane, civil concepts and control"' (Klare and Arnson, 1981: 22), and which has been complemented only occasionally by an explicit concern about human rights violations in the recipient countries.²³ It is obvious therefore that while the official language of

23 Klare and Arnson's investigations have been followed up in detail in the 1990s by the works of Martha Huggins (1998) and Ethan Nadelmann, who explicitly acknowledges the reliability of

transnational policing may tend to emphasise the technical and moral aspects and benefits of the activities involved, the activities themselves may be part of a different and wider pattern which may have nothing to do with the above declared aims.

The preceding remarks lead directly to the important question of whether the emergence and concrete conceptualisation of issues in transnational policing depend primarily on the system of specialised knowledge and practical expertise shared by police professionals across borders, or rather on a wider process which involves the police apparatus as part of the international strategies effected by the institutional ensemble of the state as the conduit of political power in domestic and in international relations. The prime example is, of course, the idea of transnational organised crime, which has gained dramatic ascendancy over the past decade, and, of course, features heavily in the language of the international law enforcement. The idea, enshrined as it is now in the text of the 2000 UN Convention against Transnational Organised Crime (2000d), seems to summarise somehow the fears against which the instrument of transnational policing is summoned to confront, and refers to the perceived reality of the expansion of criminal activities across and beyond borders. In an understanding parallel to that of transnational policing, transnational organised crime refers to crime in the age of globalisation:

‘global crime, the networking of powerful criminal organisation and their associates in shared activities throughout the planet is a new phenomenon...The Sicilian Cosa Nostra...the American Mafia, the Colombian cartels, the Mexican cartels...the Jamaican Posses, and a myriad of regional and local criminal groupings in all countries, have come together in a global diversified network, that permeates boundaries and links up ventures of all sorts’ (Castells, 2000: 170).

Yet as James Sheptycki has noted, the idea of transnational organised crime is not one that would spring naturally from a ‘system of knowledge and expertise’ residing in the interior of the police apparatus, and, at any rate, not on the basis of scientific work. It appears that its origins can be situated in the works of the official circles involved in the monitoring of transborder clandestine activities, including the agents of global law enforcement: Sheptycki places the genesis of the term in Naples, at the World Ministerial Conference on transnational organised crime in November 1994, and notes that that this development had been anticipated in the language used in official law enforcement well before that point (Sheptycki, 2003a: 123). Nevertheless, by turning to the debate and controversies that the idea of transnational organised crime has sparked among experts, criminologists, political scientists and economists, we understand the ultimately political

the information on which the former base their ‘leftist’ analyses (1993a: 116, note 29).

origins of the idea: it opens up a suitable site for the fusion of a range of *politically* contested issues in the contemporary world both at the international and the national level, including, but not limited to, international security, financial market stability, corruption, human rights, immigration and specific crime-related problems, such as drug addiction. As Hans-Jörg Albrecht put it in his discussion of immigration policies in the EU,

‘[T]he topic of immigration is mingled (and actually confounded) with other sensitive and sometimes emotional, but always ideologically and politically exploitable issues such as ethnicity and ethnic differences, nationality, identity, national identities and finally order, safety and stability. Immigration then is linked with organized crime, in particular organized drug trafficking, trafficking in humans, smuggling of illegal immigrants and the emerging shadow economies (red light districts, prostitution, sweat-shop labour) which today absorb substantial parts of the (non-EU) immigrant population’ (Albrecht, 2002: 2).

The political nature of the idea is very evident in those instances where transnational organised crime is spiritedly expounded as a phenomenon possessing a robust organisational form and rationality (Sterling, 1994): the precisely political threat it appears to pose is sometimes presented as a new form of *authoritarianism*, which appears in a nonstate-based form exactly as a consequence of the rise of non-state actors and the decline of the nation state in the age of globalisation (Shelley, 1999). But what one is more likely to encounter in scholarly analyses is a profound discomfort with the attribution of such characteristics to transnational organised crime. The core notion of organised crime itself has followed a very specific intellectual trajectory which was linked to particular manifestations of criminal activity within a specifically American context (Paoli and Fijnaut, 2004); many scholars do take issue with the particular characteristics which official (or mainstream) representations attribute to it, namely the ‘specialisation in market-based crimes, [the] hierarchical and durable structure, [the] use of violence and corruption to achieve monopoly power, high rates of return and the penetration of the legal economy’ (Naylor, 2004: 16). Rather, what emerges from analyses of organised crime is an image of criminal enterprises as ‘improvisational, opportunistic and contingent’ (Sheptycki, 2003a: 125), assuming forms variably situated in a continuum between traditional formal organisations and loosely structured associations and networks. Furthermore, economists have been much more attuned to the analysis of the conditions associated with particular illegal markets, and it has been argued that the rigid distinctions and notions that result in the vilification of the underground economy may be in fact stemming from inadequate conceptual tools and from identifiable political expediencies regarding the activities it encompasses (Naylor, 2005); what in fact is involved is a complex

political economy where formal and informal economies constitute an organic social whole and where upperworld and underworld actors are enmeshed in struggles for survival and domination. Criminalisation itself suggests that the state plays a pivotal role in this process, and internationalisation extends this role to a global context (Naylor, 2004).

We may recall here the assertion of Andreas and Nadelmann that the global prohibition regimes motoring the transnational policing emerge in connection with particular types of criminal activities, and each possesses its own specificity, implications and therefore prospects of being successfully established. This involves a process where functional gaps in law enforcement, state advocacy—particularly when the issues involve the interests of the most powerful states, transnational agitation in civil society and the nature of the criminalised activity itself play a role (2006: 20–21). It is no coincidence that terrorism, which threatens directly the political authority of the state has consistently motored international initiatives towards police cooperation (see e.g. Jensen, 1981). Evidently, therefore, transnational policing, far from emerging from the exigencies of the police profession and bureaucratic logic, is rather a result conditioned by particular economic, social and political factors determining what activities become criminalised and how and to what extent the institutionalised force of the state engages with them. But because this approach is still underpinned by the ideological problematic from which transnationalism emerges, it regards the disparities in the establishment of international prohibition regimes as historical contingencies resulting from the interchange between a plurality of equal and undifferentiated transnational actors: it thus refuses to recognise the hierarchy of structures governing the entire process it specifies as relevant, and particularly the strategic importance of the state as a structural instance which bears upon both the domestic and international aspects of that process.

There is no lack of historical and contemporary examples which illustrate that the point made just above is relevant for the understanding of the patterns of transnational policing, whether these involve activities emerging more directly from national initiatives, or the governance of transnational policing at the level of international relations, particularly within the context of international police organisations (such as Interpol or Europol).

Consider the example of the current global campaign on terrorism. On our side of the Atlantic, uneasiness about the American methods in counter-terrorism and the contribution of the European states in this world-wide campaign surfaces in a language that is very direct. Not long after September 11, the American worldwide programme of 'rendition flights' had raised serious concerns among human right groups (Human Rights

Watch, 2004; 2005), and in 2006, it became the object of an inquiry by a Committee of the Parliamentary Assembly of the Council of Europe. The report described it as a 'spider's web spun around the globe' (Council of Europe, 2006), offering strong indications that several European countries 'actively participated, ignored [these activities] knowingly, or did not want to know' (Council of Europe, 2006: 59). But, lacking any substantial powers of investigation, the Committee relied on the assistance of those who wanted to help with its enquiry. It appears that the governments of the involved states did not, and they saw in the report's lack of 'hard evidence' compelling grounds to furiously deny the allegations altogether (Council of Europe, 2006).

More interestingly, one may note how in late 2006 an intra-party revolt of senior Republican Senators against US President G. W. Bush's measures regarding the detaining and questioning of alleged terrorists by U.S. officials (see, e.g., BBC News, 2006) developed along lines characteristic of the American political system. As former U.S. Secretary of State Colin Powell put it, the Administration's approach towards the issue would allow the world 'to doubt the moral basis of [the American] fight against terrorism' (De Young and Baker, 2006). But the whole debate was framed around the question of the obligations of the US under the Geneva conventions, which, in fact, does not challenge the particular approach that the American Administration has taken towards conducting the 'war on terror' and the treatment of terrorist suspects as 'enemy combatants'. A United Nations report earlier in 2006 concluded that this '*idiosyncratic*' approach violates a series of obligations arising from international human rights treaties to which the United States is party (UN Commission on Human Rights, 2006). Finally, the resolution of the dispute within the American political system was sought in the direction of laying down partial rules regarding the detainees' defence in front of military courts, thus allowing the American security and law enforcement agencies to continue on their programmes of detention and interrogation (Smith and Babington, 2006).

The relevance of the political battles conducted across the entire institutional domain of the state and framed by conditions specific to national contexts comes up even in the case of the European Union. Without entering here the discussion of the nature of the European Union as a supranational entity, there is little doubt that EU policies exert a very strong influence on the organisation and conduct of police cooperation across Europe. There is today an accumulated effect of 'third pillar' policies, which bring together under a common label a number of broad issues such as terrorism, organised crime, immigration and border control, and which, according to critics, amount to an unprecedented major threat for civil liberties and democracy (Bunyan, 2005). What is ques-

tioned here is the mingling of issues in the manner pointed out in Hans-Jörg Albrecht's remarks (see above), which in practice calls for increasingly tougher and intrusive measures, including massive deportations, stricter controls at the border, the exchange and continuous availability of data, or the surveillance of communications and movement (as shown in the case of PNR). The various voices challenging this agenda, include, for example, the newly founded European Civil Liberties Network, an association of groups and individuals whose mission is to monitor issues of civil liberties and accountability at the European level. Most notably, the ECLN includes Statewatch, whose efforts to document the evolution of justice and home affairs in the often opaque space of EU bodies are clearly unique, and whose critical analyses communicate a profound scepticism with the levels of accountability and democratic control in the elaboration and implementation of those policies (Hayes, 2002; Mathiesen, 2006).

Nevertheless, it should not escape one's attention that a great number of political battles against Europolising policies are fought at the level of the member states of the Union, where they acquire a distinctive national form (see e.g. House of Lords, 2006). Indeed, events critics would celebrate as 'victories' come, more often than not, from the national, rather than the European front, and indeed involve the entire institutional domain of the state. Recall here the landmark decision of the German Federal Constitutional Court which annulled the national legislation implementing the European Council's Framework Decision on the European arrest warrant (2002) on the grounds that the latter was in conflict with articles 16.2 (freedom from extradition) and 19.4 (guarantee of a recourse to a court) of the German constitution (*Grundgesetz*—Basic Law) (German Federal Constitutional Court, 2005; Parga, 2006). In fact, the fortunes of the Framework Decision have varied across different member-states of the EU as in 2005, the Polish Trybunał Konstytucyjny (Constitutional Court) and the Supreme Court of Cyprus took an approach similar to that of the German court; on the other hand, the Czech Constitutional Court dismissed in 2006 an action of a group of senators and members of parliament brought against the national legislation implementing the Framework Decision.

The import of these developments is that they highlight the continuing and direct significance of national institutional arrangements for the governance of transnational policing even within its organisational kernel. Consider for example the delicate question of accountability: the significance of the national context goes beyond the 'embeddedness' of legal and democratic accountability of transnational policing in the national states' governance structures, that is, with regard to national regulatory frameworks (den Boer, 2002b). Rather, various forms of accountability (den Boer, 2002b; Sheptycki,

2004) are diffused in the *practice* of transnational policing and reaffirm the importance of national controls even in the opaque environment and workings of an international police organisation such as Interpol: as James Sheptycki notes, 'in spite of the loose accountability framework that Interpol is wrapped in transnationally, its day-to-day working remains largely subject to the exigencies of national sovereignty' (Sheptycki, 2004). One of the basic principles applying to the regulation of work within Interpol is that national sovereignty prevails, but Sheptycki's analysis points not to the formal rules but rather the structure and organisation of work between the various components of Interpol, particularly of the National Communication Bureaus (NCBs), as channels which continue to instil national differences in the use of and attitudes towards Interpol. This is not unique: Den Boer (2002b: 278) makes a similar observation with regard to the different standards and cultures among the national police forces coming under the canopy of Europol.

Let me return to the claim I have sought to illustrate: current theorising grants transnational agency to police bureaucracies at the cost of discounting their institutional specificity. I believe that the preceding examples and discussion support the idea that the examination of the transnational activities of the police cannot be separated from a thorough investigation of the institutional field of the state in structural terms: the form of the national state, in particular, represents an instance which condenses important social and political processes bearing a fundamental effect on the content and patterns of police activity, hence of transnational policing. The political battles fought across its entire institutional terrain ultimately mould in a characteristic fashion in each case the (sub-)structures and practices of national bureaucracies as they relate directly or indirectly to transnational policing. In other words, it is because of these struggles that certain structural regularities and practices acquire the organisational form we recognise as the police apparatus in each concrete case; conversely, if certain discourses acquire a more robust form within the police apparatus, this is because the latter constitutes a field where contradictory social strategies are structurally distilled into distinctive forms of practice—policing. But these processes are indecipherable without situating the police within the ensemble of apparatuses that comprise the state as that wider structural instance that constitutes the factor of cohesion between the different instances of the social whole.

From a historical materialist viewpoint, the question of the state is always posed in connection with the conditions in which the material life of society is produced, and the contradictory moulding of social relations that these conditions effect: it is '[t]he totality of these relations of production [that] constitutes the economic structure of society, the

real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness' (Marx, 1987: 262). Hence Marx remarks that

it is in each case the direct relationship of the owners of the conditions of production to the immediate producers—a relationship whose particular form naturally corresponds always to a certain level of development of the type and manner of labour, and hence to its social productive power—in which we find the inner most secret, the hidden basis of the entire social edifice, and hence also the political form of the relationship of sovereignty and dependence, in short, the specific form of state in each case (Marx, 1991: 927).

These formulas outline a method for approaching a complex process of social ordering by which the fundamental contradiction between exploiters and exploited at the level of the economy finds in capitalism its more directly political expression and balance as a specific organisation of power relations of dominance and subordination. The idea of the state as a factor of cohesion between the levels of a social formation draws on the distinction between production, which ultimately governs the material existence of society, and superstructure, in which the distributions of agents engendered by the relations of production are constituted as a society, a unity of contradictory social forces within historically given social, political and cultural relations. This complex ordering is effected through the state, which emerges as the strategic site for the organisation of political power under conditions forged by the totality of these relations: it is the materialisation of that relation of contradictory social forces in an ensemble of apparatuses, by which class domination is constituted into legitimate power within specific institutional, organisational, practical and ideological forms (Poulantzas, 2000).

These remarks, which prepare the ground for the analyses of the following chapter, mean in the context of the critique I have advanced so far that *there can be no theory of the police, and of transnational policing, outside a social theory of the state*. In so far as explanations of transnational policing embark on a venture to identify its subculture, and theorise the formation of the subculture as the commanding process of the field, they conceptualise the agents' behaviour in terms of a normative structure engendered by the occupational exigencies of the police profession, and are therefore unable to explain police behaviour as the social practice of a special state bureaucracy. The investigation of the various regimes understood as correlates of that subculture (Sheptycki, 2002), despite being innovative, is nevertheless limited by the necessary focus on modes of interaction between agents at particular institutional sites on a case-by-case basis. While this is an approach that draws on a strong tradition of subculturalist/interactionist studies in policing, it also inherits the most prominent of the latter's problems in so far as it fails to

problematise to an adequate extent how wider social structures and forces shape the institution of the police (Grimshaw and Jefferson, 1987; McBarnet, 1978). In other words, it suffers from an inadequate theory of the state.

The problem persists even when the investigation is cast along the lines of various approaches in organisational sociology. In the field of police studies such approaches have been useful in identifying the limits of the subculturalist perspective in so far as they demonstrate how police behaviour and styles of policing at the grass roots are likely to vary according to the policies of police and local government leaders and the wider organisational environment (Bordua and Reiss, 1966; Crank and Langworthy, 1992; Crank, 2003; Manning, 1997; Reiss and Bordua, 1967; Wilson, 1968). Yet even in these cases a problematisation of the police bureaucracy as part of the state is absent, because the state itself is understood as a conglomeration of distinct bureaucracies and institutions, and is therefore assumed to be part of the organisational environment, and thus external to the police.

More generally speaking, the problem cannot be solved by any theory that tends to regard state and society as two separate things, and this is true either for the liberalist or for the statist/institutionalist approaches to the political theory of transnational policing. We may recall that these roots are traced both in defining treatises of the field of police studies (Reiss, 1971), and the original transnationalist effort to establish a society-centred perspective in International Relations. The essential point here remains that as far as the state is ultimately reduced to either a tool or an 'actor' among many others, individuals and associations in society, it loses its specificity as a distinctive structural instance of the social whole. Because the political theory of policing builds upon this paradigm, it is also content with a certain concept of the relative autonomy of the police, which, via a distinction between 'general' and 'specific' order, relativises the social relations of power which constitute the state and the police apparatus at the same moment, and presents policing as an essential element of every conceivable society (Marenin, 1982; Reiner, 2000). It is therefore no coincidence that whenever the issue of the relation between the police, the state and politics is posed beyond narrow juridical conceptualisations of the state (the 'public/private' distinction), mainstream theories of the police invariably reflect the liberal belief that the state, and therefore the organisations that belong to it, should be acting as a neutral arbiter, bound by the law and serving the benefit of society as a whole (Bunyan, 1976). This root political theory of the police is invariably present no matter whether the quest for more substantive concepts may delve into Weberian insights about the constitutive forces of the division between officialdom and the people, which inform

discussions of the problem of the legitimacy of the police, classical conceptualisations of the state as dispenser of public goods, or Hegelian conceptions of the state as a repository of universal values (Loader and Walker, 2001; Walker, 2002). Such approaches are compromised by an ideological problematic, which is induced by the concrete conditions of their production as knowledge, and is ultimately sanctioned by the omnipresence and tutelage of the dominant ideology in so far as it masks the role of the police apparatus in the sustenance of *capitalist* relations of domination and subordination in the modern world system.

Chapter 3

Imperialism, the State and the police

The preceding chapter has associated a range of real difficulties that current approaches face in explaining the modalities of the internationalisation of policing with particular ideological obstacles that prevent a systematic conceptualisation of the subject matter. I have explained that these difficulties arise in explanations of how certain issues are taken up by the international activities of the police, of the nature of the relations that organise these activities and hold them together as a system, as well as of the nature and impact of these activities themselves. The very process of the emergence and development of the field, in connection with the evolving demands for knowledge posed by immediate institutional sponsors, and the established problematics of its parent disciplines, has resulted in a distinctive explanation of the empirical manifestations of the internationalisation of police activities: prior work has admitted international agency to the police by detaching it from the monolithic subjectivist imagery of the sovereign state.

One should not miss the point that I have defended the achievements of recent work on transnational policing. When viewed as the sum of the particular conceptual breakthroughs achieved at various points, prior work has accomplished an understanding of the internationalisation of policing against the prevailing rationalisations of police agents themselves and, to a large extent, against prevailing theoretical vistas of police cooperation. Nevertheless, this body of knowledge exhibits the traits of its provenance from within the ground of the main 'actors' in the transnational policing arena, and of the main centres for the production of the sociological knowledge of the police, which are none other than the heartlands of global capitalism, North America and Western Europe. This milieu is still responsible not only for the marked tendency to discount the institutional specificity of the police as a state apparatus, by reducing transnational policing to an inter-organisational process, but also for the difficulty to acknowledge that internationalisation is inscribed in a process for the enforcement and reproduction of an international order that is specifically capitalist. Spontaneously inclined to apply the characteristic binary oppositions of bourgeois ideology—licit/illicit, public/private, domestic/international—which flatten out the complex and uneven landscape produced by the very

material conditions of the reproduction of capitalism both at national and at global scale, prior work approaches transnational policing as law enforcement at an international scale, and therefore is less able to understand not only how the particular activities of police agents fit in the international system, but also the asymmetries and asynchronies of these activities themselves.

The purpose of this chapter is to offer a historical materialist vocabulary for the study of transnational policing, by an initial recoding of the achievements of prior work along the lines of a counter-hegemonic, oppositional discourse with a definite claim to scientificity (Burawoy, 1990). The Marxist conceptualisation of the state and the theory of imperialism, from which I draw to accomplish this task, do not only offer an alternative generally to the *pluralist vision* the current transnational policing theory relays (Miliband, 1973: 6), but quite explicitly addresses its deficiencies by being able to situate the role of the police among other social institutions of the capitalist state and among the processes unfolding across the international system.

One initial difficulty in posing the question of transnational policing along the lines of Marxist thinking on imperialism lies in that the terms in which the original discussion of the latter was formulated appear to have little immediate relevance to the question of policing, understood as the particular activities of organisations pertaining to the everyday maintenance of 'law and order' in society (see, e.g., Klockars, 1985: 12). It may appear as even less relevant to transnational policing conceived as police *cooperation*, since it bears strong connotations of conflict and domination, especially as the theory¹ aimed to explain the major historical event of the First World War in the light of capitalism's development. The relevance becomes evident as soon as one recognises that an understanding of the state and its apparatuses is, in fact, organically inscribed in the theory of imperialism, and that therefore one deals with a continuous theoretical body that has the capacity to offer systematic conceptualisations of the linkages between the state and the international. At any rate, recoding the current vocabulary of transnational policing into Marxist lines does not entail a direct correspondence between the terms of the former and the terms of the latter, but rather a reconceptualisation of general themes by means of a change of problematic. This is particularly highlighted by the fact that the

1 The idea of imperialism was not a creation of Marxists, but was drawn from elsewhere. The study of John Atkins Hobson, which was published in 1902, was particularly influential, not only for Bukharin and Lenin, but also for subsequent Marxist analyses (Brewer, 1990). Hobson, who complained that the widespread use of the term was not complemented by a clear understanding of what it meant exactly, provided the first systematic analysis of imperialism as an economic phenomenon (recent edition: Hobson, 2005).

question of the state, which prior work on transnational policing suppresses, features (or should feature) heavily in any Marxist approach of the subject matter. In fact, the preceding chapter has already posed the question of the role of the state as an organiser in the production of knowledge on transnational policing; this chapter will reveal other aspects of the same role with regard to the object of that knowledge itself.

The aims I pursue, therefore, with the following analyses are firstly to situate the police apparatus amidst the apparatuses of the state and its role in the reproduction of the system of social relations sanctioned by the state, and, secondly, to situate transnational policing as an imperialist era phenomenon, whose emergence is exactly underpinned by the function of the police as an apparatus of the capitalist state.

The state and the police

I have argued that if the sociology of transnational policing suppresses the question of the relation between police and the state, this happens because it largely inherits this tendency from its parent discipline, the sociology of the police. Before situating the matter from a historical materialist perspective, it is, therefore, useful to begin by inquiring briefly in what way the above situation has occurred, and to identify certain themes to which I shall return as the analysis develops.

There is little doubt that much of the sociological writing on the police is a response to the increasing disillusionment, not so much with the real or perceived lack of ability or capacity of the police to control crime, as with the discovery that their activities as law enforcers involve a wide discretionary margin (Goldstein, 1960), which has been in turn understood as the source of systematic biases against particular categories of the police populations. Relatedly, during the same period, there has been an increasing political visibility of the police in the suppression of social movements such as the civil rights and anti-war movements in the America, strikes and industrial conflicts, campus protests, as well as racial unrest and inner city riots (Cowell et al., 1982; della Porta and Reiter, 1998; Marx, 1988). The relation of the police with politics was not, of course, suddenly discovered in the 1960s and after: rather, the case was that the investigation of these questions could be performed from within the grounds of a much more developed intellectual infrastructure in the social sciences. It is quite characteristic that the emergence of the sociology of the police involved instantly a theoretical apparatus that mainstream social science already possessed at the time. This is exhibited very lucidly in how the very early approaches make use, for example, of occupational sociology and interactionism

(Bittner, 1967; Skolnick, 1994), of organisational sociology in a variety of flavours (Bordua and Reiss, 1966; 1968; Reiss and Bordua, 1967; Wilson, 1968), or sociologically informed investigations of the historical development of the police as an institution (Bayley, 1975; Fogelson, 1977).

The common denominator of these approaches is that the question of the relation of the police with the state is never posed in any way, but not because the literature does not recognise the relation between the police and the state. Obviously, the empirical fact, that police officers are employees of state and local state organisations and also wield a public force with which state-produced law equips them for the performance of their duties, could not be ignored: the sociology of the police has not doubted whether the police perform a state, or, at any rate, a public function. Rather, it has suppressed the questioning of that function itself, in so far as it *philosophically* assumes that the latter appears as a natural fact involved in the necessity of situational dispute resolution by an authority possessing the general right to use coercive force (Klockars, 1985: 15). But this formulation effectively retains a conception of the role of the police within a framework where the fundamental structure of Western liberal democracy is never questioned, in other words, where the role of the state as the fair and ultimate arbiter embodying the 'common good' in a society where a multiplicity of private interests exists is never questioned (Bunyan, 1976; Carnoy, 1984).² On this basis, the agency and autonomous power of the police organisation is, on one hand, derived from an original power that the state possesses, the consequence of the original social contract which constitutes the state. Hence Carl Klockars's definition of the police as 'institutions or individuals given the general right to use coercive force by the state within the state's domestic territory' (Klockars, 1985: 12), heralded by its proponent as value-neutral, is, in fact, *fully* value-laden and ideologically charged, as it philosophically subsumes society as an undifferentiated whole of free and competitive individuals under the authority of the state which is sovereign and separate from it.

2 Interestingly, whether the state monopolises policing or not is a question of form, and state policing as a form is not related to the essential characteristic of the pluralist state. What is important is that the state as the embodiment of public good and neutral in itself must cater for the principled distribution of collective goods. Commenting on the growing significance of private security, which in current debates is understood as a process of pluralisation of policing, Bayley and Shearing comment, 'three public interests must continue to be served as the governance of security is transformed: justice, equality of protection, and quality of service' (Bayley and Shearing, 2001: 29). Although this is a debate I cannot enter here, the analyses that follow in this chapter will suggest this formulation is a vehicle for the legitimisation of commercialised use of private force, which has nothing to do with the function of the police in a democratic society.

On the other hand, biases in police activity can evidently only exist in this light as aberrations from the fair and equitable enforcement of the law, and must be therefore attributed not to fundamental biases in the nature of state power wielded by the police, but rather as mishandlings of power, whose causes can be traced in the circumstances surrounding the individual police officer's behaviour and attitudes, or within the confined milieu of the police organisation, as a particular organisational ensemble. As Skolnick explained:

The police...are...a class of authorities facing the problem of managing divergent expectations of conduct. Democracy's ideological conflict between the norms governing the work of maintaining order and the principle of accountability to the rule of law provides the justification for various demands upon the policeman. The problem of organising and defining such demands furnishes the basis for the institutional analysis of the police. The problem itself suggests the situational difficulties affecting the policeman's capacity to be a responsible law enforcement official who enforces order under the rule of law (Skolnick, 1994: 17).

In other words, with the fundamental assumption of the application of coercive force in the interests of whole society unchallenged, the sociology of the police was free to be as creative as it wished to investigate the psychological, cultural, situation or organisational factors that could be empirically associated with police deviancy. At the same time, it is clear that this endeavour is also capable of informing directly and of lending scientific legitimacy to the sociology *for* the police (Manning, 2005) as a technique of government, to the extent that the problems involved are isolated in an extra-political space where they can be reduced to questions of personal or organisational efficiency and effectiveness.

Ironically, the liberal assumption on which this body of knowledge is founded prevents it from realising that its research formulation of the function of the police in society contributes itself to a perpetuation of the problems, such as the occupational isolation or 'misguided' bureaucratisation to which its original insights pointed as the roots of police deviancy. In so far as the wider politics of the police are reduced to the micropolitics of the negotiation of the autonomy of the police between its institutional stakeholders, the position of the police organisation is understood to necessitate a continuous investment towards the increase of its legitimacy vis-à-vis its institutional stakeholders, and, above all, the *public*, whose *consent* makes the activity of the police possible in the first place (Skolnick, 1994: 21).³ But what is forgotten is that the measure of this legitimacy is de-

³ Grimshaw and Jefferson make explicitly the point that much of the sociology of the police has resulted in the depiction of the police as an embattled profession and organisation (1987: 8)

rived exactly by the capacity of the police to perform their given functional as 'crime fighters' or 'peace-keepers', through 'expert' solutions, increasing use of technology, and the fine-tuning of managerial control over the rank-and-file. This vicious circle is made even more visible by formulations that refuse to pose directly the question of the organic relation of the police with the state, and call upon the state itself to intervene and reset the deviation of the police from good delivery of public service, as if one dealt with a relation of externality:

What is necessary is a police force accountable on both a local and a national level and whose relative autonomy is recognised yet clearly delineated. The state must be the final arbiter of police work and activity; it must set the limits, and it must do so to a much greater and more involved fashion than at present (Kinsey and Young, 1982).

State power and state apparatus

It is now time to examine how the above questions appear from a Marxist viewpoint. Firstly, it is true that along the sidelines of the mainstream sociology of the police there has developed a small and irregular stream of works that approach the subject matter from a critical, radical or explicitly Marxist perspective that poses explicitly the question of the relation of the police with the state under the core idea that the former 'have *primarily* served to enforce the class, sexual and cultural oppression that has been an integral part of the development of capitalism' (CRCJ, 1975: 11, emphasis in original). But as the wider enterprise of radical criminology has only resulted in a handful of works that address explicitly the question of the police *apparatus*, the essential highlights of the Marxist-informed English-speaking literature, depending on how labels are applied, are quite limited in number (e.g., Grimshaw and Jefferson, 1987; Platt and Cooper, 1974; Quinney, 1977; 2002; Spitzer, 1993). Even at the heyday of that production in the late-1970s, Stuart Hall and his colleagues were confidently asserting that 'most criminological theories—including much of 'radical criminology'— have no concept or theory of the state' (Hall et al., 1978: 194). It may be the case that not only repression, but also co-optation has played a role in the marginality of this radical enterprise (Platt, 1991), especially since, in the light of the absence or loss of important organisational bases such as Berkeley's Centre for Research on Criminal Justice, radical criminologists are constantly exposed to peer allegations of 'class reductionism' (see, e.g. Klockars, 1979), or to the fear of such allegations, forgetting perhaps that 'it is not Marxism, but capitalism itself that is

“class–reductionist””.⁴ The essential point, nevertheless, is that there is a relative absence of a radical equivalent of a sociology of the police on the basis of which the development of a vocabulary applicable to the phenomenon of transnational policing could take place. What is rather necessary in the present context is a reconsideration of a number of certain ideas, which I consider pertinent to the task I have proposed to carry out in this chapter.

In asking what the state is, and how the police are related to it, it is firstly necessary to take an initial precaution, which comes from the body of classical Marxism itself. Engels’s point that the ‘first ideological power over mankind appears to us in the form of the state’ (1976: 53) is a reminder that the risk of reification in talking about the state as a reality separate from society is inherently involved in constituting politics as the domain of projects for social change, which are thus equipped with an imaginary horizon for action towards an object that represents the unity of society and the general interest. But the ideological mode of the state’s existence which endows it with the imaginary properties of a thing or a person, should not be confused with its practical mode of existence. This practical mode coincides with the multitude of institutions—apparatuses—condensing the practices that reproduce and perpetuate social relations of domination and subordination in everyday life. Through a process of historical development, captured, for example, in Weber’s investigations of historical sociology (Weber, 1978b), these institutions appear in the first instance to involve a division between officialdom and lay people—‘the government, the administration, the military and the police, the judicial branch, sub-central government and parliamentary assemblies’, all ‘make up “the state” and [their] interrelationships shape the form of the state system’ (Miliband, 1973: 50). The issue, however, lies with the substantive explanations of this division, which specify the nature of the power wielded by the officialdom, and which ultimately determine whether this division exhausts the nature and limits of the state itself.

For Marxism, and regardless of the particular paths the debate has taken as it progressed by the leaps and bounds that have reflected the Left’s seizing or coming to power as a historical fact or a prospect, the question of the state has consistently involved a distinction between *state power* and *state apparatus(es)*, whereby

the modern state...is only *the organisation* with which bourgeois society provides itself in order *to maintain the general external conditions of the capitalist mode of production* against encroachments either by the workers or by in-

4 ‘To treat individuals as simple bearers of economic functions has consequences for the individuals. It is not Marx the theoretician who treats them as such, but the capitalist production relation’ (Althusser, 1976c: 202). The rendering of the idea as it appears in the text above belongs to Leo Panitch.

dividual capitalists. The modern state, whatever its form, is an essentially capitalist machine, the state of the capitalists, the ideal aggregate capitalist (Engels, 1975: 91, emphasis added).⁵

Under this conception, and in contrast with liberal political theory, the issue of the separation between society and state is delimited to the question of the 'separation' of state apparatuses alone, and that only with regard to the particular interests of particular fractions of the dominant class. State power itself is class power: it is located within the field of social relations, which according to the conceptualisation advanced by Marxism, are class relations between 'groupings of social agents defined principally but not exclusively by their place in the production process' (Poulantzas, 1978a: 14), constituted by the contradictory economic, political and ideological *practices* involved in and engendered by the particular positions these agents occupy within the social division of labour under a particular mode of production.

This approach enriches immensely the concept of the state advanced by historical materialism. Recall that the mode of production is not an object that exists in the 'strong sense of the word', but is rather an 'abstract-formal' object (Poulantzas, 1978b: 13) which conditions the knowledge of a concrete historical reality as an articulation of systems of relations founded on the material production of human life and the fundamental distinction between exploiters and exploited. Equally, the concept of class constitutes not the sum of empirically attested material or other inequalities or opportunity differentials between individuals, but rather the abstract-formal object that conditions the knowledge of the development of the contradictory practices of groups of agents entangled in the fundamental positional divisions involved in a mode of production. However, the real-concrete object upon which the concept of the mode of production is applied in the process of knowledge production is a historically determined social whole, concrete in time and space, the *social formation* (Poulantzas, 1978b: 15; Resch, 1992: 36). The social formation is the site of real historical development, in which the different instances of the social structure, economic, juridicopolitical and ideological, are constituted on the basis of a complex articulation of overlapping modes of production, which themselves exist in relations of domination and subordination. This combined and uneven development of the different modes of production ultimately determines the general outlook of a particular

5 The idea reflects the *Communist Manifesto's* formulation that 'the executive of the modern state is but a committee for managing the affairs of the whole bourgeoisie' (Marx and Engels, 1976a: 486), or the idea of the state as 'a public force organised for social enslavement, of an *engine* of class despotism' found in the *Civil War in France* (Marx, 1977: 67), and the similar formulations found in other writings of Engels (Engels, 1978).

society, the historically unique modality and rhythm of its development.

From the viewpoint of social relations, what really exists is the contradictory material practices of classes that correspond to this complex articulation, and the development of the *forms of organisation* that these class practices engender. This does not only firmly situate the reading of historical reality on the basis of class struggle (Althusser, 1976d), but it also clarifies that classes themselves are constituted in the process of class struggle and in relation with the forms of social organisation engendered in that process. This second aspect is of fundamental importance, because it allows an understanding of these organisational forms as the embodiment, the material expression of the entire range of economic, political and ideological determinations of class relations of domination and subordination. Marx and Engels's assertion 'the history of all hitherto existing society is the history of class struggle' (Marx and Engels, 1976a) may also be taken to mean that the economic domination of one class upon another that rests on the organisation of economic exploitation is further instantiated in a multitude of organisational forms that relay politically and ideologically the economic root of that domination.

The state itself is, therefore, an organisational ensemble which, while being the material product of class struggle, it appears as separate from it exactly because the organisational forms it assumes are themselves an instance of the domination of one class upon another, by means of a replication of the characteristics of the social division of labour, the division 'between those who fix and those who accomplish the goals of production, between administrators and producers, between bosses and the bossed-over' (Mandel, 1992: 79). In other words, what is condensed in the state apparatuses and is deployed from them throughout the entire social formation is the power of the dominant class—'*tout court*', as Althusser remarks (Althusser, 2006: 124), in so far as the social practices that are clustered around these organisational arrangements result in a concentrated manner in the reproduction of the conditions of class domination. This latter capacity of the state apparatuses is conveyed by Poulantzas's conceptualisation of the political as a regional instance that 'has the particular function of constituting the factor of cohesion between the levels of a social formation'; the organisational reality of the state as an ensemble of apparatuses is itself a factor of order in a social formation by functioning 'as the regulating factor of its global equilibrium as a system' (Poulantzas, 1978b: 44–45) and therefore performs a global *political* function, irrespectively of the particular functions that each of these apparatuses performs, whether economic, administrative, legislative, judicial, representative (political parties, trade unions) or educational (schools, universities), and regardless of the specific modality of their function, whether repressive or

ideological (Althusser, 1971).⁶ The essential point that emerges from Poulantzas's analyses is that these particular functions are overdetermined by the global function of the state, which organises and maintains the unity of the social formation in accordance with the political interests of the dominant class.

The above begin to clarify the idea that the state is the 'machine' or the 'engine' of class domination, a characterisation whose unwavering occurrence in the work of the Marxist classics (Lenin, 1970b; 1992; Marx, 1977), and despite the lack of explicit explanations, suggests strongly that the entire problematic of the state should be anchored not only around the distinction between state power and state apparatus, but also in the consideration of the state apparatus as exactly a 'special machine'. The question was taken up by Althusser in a text drafted in the heyday of the Marxist debate on the state in the 1970s but published in this incomplete form only posthumously (Althusser, 1994; 2006), where he took the opportunity to reflect on the 'classical' theses, and to modify certain positions found in his earlier essay on the Ideological State Apparatuses (Althusser, 1971). Althusser approaches the question by treating the description of the state as a 'special machine' as an index of a concept that pertains both to the special structure of the state and to the particular effect by virtue of that structure. The state is a *special* machine firstly made of 'a different metal' (2006: 82), in the sense that the characteristics of the social division of labour translate in it as hierarchical structures enabling 'steering', special rules effecting internal division of labour and separations between its personnel, establishing obedience and discipline on one hand, and inculcating, on the other, an ideology on the personnel that emphasises 'public service and technique' and engenders characteristic forms of *esprit de corps* in the different apparatuses (2006: 102). Secondly, the state is a *special machine*⁷ in the sense that by virtue of its special structure—in which the special characteristics of the social division of labour are inscribed—it performs as a *power-ma-*

6 Under this conception, there is no question of retaining the separation between 'civil society' and state: this conception of the state refers exactly to the organisational reality that expresses the political modalities of class power. As Perry Anderson has shown, it is the retention of the idea of that separation that lies at the root of Gramsci's contradictory and often confusing repeated attempts at drawing the boundaries between the state, or 'political society', that wields coercion, and 'civil society', whose institutions instil hegemony, the ideological dominance of the bourgeoisie (Anderson, 1976). But for the theorists who subsequently built on Gramsci's legacy by treating critically the idea of civil society, there appears to be little doubt regarding the adoption of a 'wide' definition of the state as the ensemble of repressive and ideological apparatuses that exist beyond and separately from the immediate realm of production (Althusser, 1971; 2006; Balibar, 1977; Poulantzas, 1976; 2000).

7 'A machine in the full, precise sense of that term established in the nineteenth century...a man-made device comprising a motor driven by an energy 1, plus a transmission system the purpose of the whole being to transform a specific kind of energy (A) into another specific kind of energy (B)' (Althusser, 2006: 105)

chine that transforms 'Force', the excess of force of the dominant class over the force of the dominated classes, into 'Power', that is, *legitimate* power, 'right, laws, and norms' (Althusser, 2006: 108–109).

Although by no means complete, Althusser's analyses of the state point to something that does go beyond the 'couplet coercion+ideology', to which, according to Poulantzas's objections, the former's earlier formulations appeared to restrict it. The state's efficacy does not lie merely in that 'it forbids, rules out and prevents; or in its capacity to deceive lie, obscure hide and lead people to believe what is false' (Poulantzas, 2000: 30). In so far as the state acts as the *legitimiser* of class rule *by virtue of being an organisational field itself*, it also acts *positively* by intervening in the very material conditions of the production of the knowledge of social reality as a spiral between ideology and objective knowledge. This translates to positive action across the field of social relations through and through: it is no coincidence that the well-known expression of classical Marxism that the working class must *smash* the capitalist state in order to *retain* power, more than physical violence, it points exactly to the dismantling of the organisational structure of the state apparatus and the establishment of 'a new and truly democratic' (Marx, 1977: 17) one.⁸ The reoccurring, consistent treatment of this theme, especially in the light of historical experience (Lenin, 1966a; 1966b: 428–429; 1966c; 1992; Mandel, 1992) leaves also little doubt that the role of the state must be understood dialectically, in the sense that the existence or survival in the state apparatuses of a system of organisational relations that reflects the social division of labour of a class society is capable of ultimately compromising any advances achieved in the modification of social relations in the realm of production or elsewhere. The state, by virtue of being an assemblage of apparatuses itself, produces its own special effect in the field of social relations (the class struggle), by constituting the site where the particular interests of the different fractions of the dominant class are being processed and are articulated as state policies and ideologies.⁹ In this respect, the state

8 'The working class, once come to power, could not go on managing with the old state machine; that in order not to lose again its only just conquered supremacy, this working class must, on the one hand, do away with all the old repressive machinery previously used against itself, and, on the other, safeguard itself against its own deputies and officials, by declaring them all, without exception, subject to recall at any moment' (Marx, 1977: 15). 'The centralized State power, with its ubiquitous organs of standing army, police, bureaucracy, clergy, and judicature—organs wrought after the plan of a systematic and hierarchic division of labour—originates from the days of absolute monarchy, serving nascent middle-class society as a mighty weapon in its struggles against feudalism. Still, its development remained clogged by all manner of medieval rubbish, seigniorial rights, local privileges, municipal and guild monopolies and provincial constitutions' (Marx, 1977: 66).

9 Anticipating the discussion of globalisation, it should be noted that neoliberal economics and privatisation became state policy and, equally, neoliberalism became state ideology. The contemporary changes in both state and society were not effected by vague forces exterior to the

constitutes a factor of political organisation for the dominant classes within a social formation, and, conversely, it is a factor of disorganisation for the subordinate classes by instilling and reinforcing divisions and gradations among the latter, in both a negative and a positive fashion, by both force and ideology (Poulantzas, 1978b: 287–288).¹⁰ It is along these lines that the role of the police should be interrogated.

The capitalist state and the police

The preceding analyses which situate the Marxist distinction between state power and state apparatus as well as the problematic of the separation of the state apparatus from the field of class struggle, entail in many respects a reversal of the problematic of mainstream police studies in the approach of the police as an apparatus, as an organisation in the strict sense of a purposive, boundary-maintaining activity system (Aldrich, 1979: 4–6). This is because they make possible a questioning of the police not generally as an indispensable institution for upholding order in every society, but rather as an apparatus of precisely the *capitalist state*, both in terms of its specific function among the various functions of that state, and as regards its personnel, the police officials, as a particular category of state functionaries.

I have already mentioned Carl Klockars's definition of the police as 'an institution given the general right to use coercive force by the state within the state's territory' (Klockars, 1985: 12), whose main element represents the starting point for a variety of analyses regardless their particular theoretical position (Bayley, 1975: 328; Bittner, 1979: 42; Manning, 1997: 49; Reiner, 2000: 6). In much of the literature, the idea lending unity to the many empirically attested functions that the police is the oft-repeated Weberian thesis that the modern state holds the monopoly of legitimate force in its territory (Weber, 1978b: 904),¹¹ and in this light, the police are seen as a practical mechanism for the prevention or resolution of conflicts and disputes by coercive means or, normally, by the symbolic evocation of the possibility of deploying such means (Bittner, 1979). But in

state.

10 Although this topic cannot be taken up here by any means, I do suggest that once one has taken a critical distance from the schematic divisions of the state debate and the question of Eurocommunism in the 1970s, there are more themes that unite rather than divide Althusser's theses with Poulantzas's later work. The contradiction between the open pronouncement of a Eurocommunist line and the retention of a 'far-left choice' in Poulantzas's work, which seems to have been lost by subsequent analyses, had been pointed out with clarity as early as 1978 (see Weber, 1978a: 9).

11 Note that, interestingly, Weber actually speaks of the *usurpation*, by the 'fully matured political community', 'of the monopoly of the power to compel by physical coercion respect' for the legal order (Weber, 1978b: 904).

this way, not only the content of police activities is effectively depoliticised, but it is also impossible to analyse any quantitative variations in the deployment of force, that is, the intensification of the activities of institutions of organised repression within particular conjunctures (Poulantzas, 1978b: 226)—a problem which Marxist theory addresses by considering the relations between the state and the field of the class struggle.

On the other hand, the effort of certain approaches (which are still part of mainstream police sociology) to conceive the matter on the basis of the organisational and situational context of police activities and thus distance themselves from a definition that depends entirely on the idea of the state monopoly of force yield rather uncertain results. Even in sophisticated analyses that go a step further to acknowledge the possibility that 'powerful interests that sustain the state provide a tacit 'authorisation' for policing' by defining the latter as 'the authoritatively coordinated organisations that stand ready to apply force up to and including fatal force in specified political territories to sustain political ordering' (Manning, 2003: 37, 42), the question of political interests is delimited to *the interests of the police*, whereas as the wider dimensions involving the state are dismissed either as rather irrelevant for praxis, which is always a product of an actor's definition of the situation, or as not easily identifiable. On the other hand, certain critical views, which, using a marxisant vocabulary, have posed the question of how the state relates with the interests of particular groups in society, have invoked a peculiar concept of a relative autonomy of the police to argue that the police defend both a specific order, the promotion of particular interests by the use of state power, and a general order, which is 'the interests of all in regularity'. Thus Marenin argues that

[t]he concept of ordered social relations does not mean the maintenance of existing social formations but of regularity, an irreducible minimum of confidence in the future which allows groups and individuals to engage in routine activities, including the promotion of change (Marenin, 1982: 258).

If approaches of the former type are problematic because of their positing the police as a repository of state force in an abstract and ahistorical fashion, the latter suffer from either an inadequate or outright commonsensical conceptualisation of the police as a state apparatus and of the political role that this quality entails for their activity, something that ultimately collapses the effort at an understanding the police role to a hyper-empiricist venture.¹² Yet, while it is beyond any doubt that the police wield coercive force

12 Eventually, Manning entirely deflates any concept of politics via a peculiar delimitation of the attempt at a definition to 'Anglo-American democratic policing' (2003), or by a limited view of the politics of the police in the context of local government (2001). Marenin ultimately appears to suggest that the political content of police activities should be decided on an empiric-

and are clearly inscribed in the circle of the apparatuses of organised physical repression of the class state, there are clear merits in attempting to approach the activities of the police in their organisational and situational context in order to grasp the sense in which such a 'bewildering miscellany' (Reiner, 2000: 6) is concentrated and performed by *this* particular apparatus of the *capitalist* state. In this respect, the distinction between state power and state apparatus, which clarifies the political character of the police role and situates it vis-à-vis the field of class struggle is a powerful analytical tool, which places a range of insights produced by the sociology of the police in perspective.

Returning to Althusser's discussion the 'different metal' of the state machine in order to consider firstly the police apparatus as such, it is useful to begin by recalling how Lenin, while commenting on innumerable occasions on the persecutions, pogroms and repressive tactics of the tsarist police, drew in fact at a different point the analytical line of demarcation in discussing the organisation of the police—again, the essential point comes from what is to replace the police of a class state. On these few references, the weight falls not on the question of force, but rather on the configuration of the social division of labour within the police apparatus:

we need a state, but not the kind of state the bourgeoisie needs, with organs of government in the shape of a police force, and army and a bureaucracy (officialdom) separate from and opposed to the people. All bourgeois revolutions merely perfected this state machine, merely transferred it from the hands of one party to those of another...The proletariat must 'smash'...this 'ready-made' state machine and substitute a new one for it by merging the police force, the army and the bureaucracy with the entire armed people...they *themselves* should take the organs of state power directly into their own hands, in order that they *themselves should constitute* these organs of state power (Lenin, 1964b: 325–326, emphasis in original).

Echoing Lenin, Althusser (2006) discusses at length the question of the organisation of the various state apparatuses: the 'different metal' of the state machine consists exactly in the presence of a group of officials occupying a specific place within the state's general division of labour and armoured with a particular ideology that corresponds on the state's structural characteristics on one hand, and on the particular characteristics of the apparatus on the other, as a function of the state's 'internal separations, those of its corps and their "esprit de corps"' (Althusser, 2006: 102). It is important to note that as regards the historical evolution of both the organisational structures and of the ideology of the police, we are dealing at all times with a field that bears the footprint of class struggle: on one hand, the existence of officialdom is a general characteristic of the state in class soci-

al case-by-case basis (Marenin, 1982: 257).

ety, but on the other, the particular locus of these officials is defined by the type of state that corresponds to that class society. The particular characteristics of the apparatuses correspond to the form of state and regime emerging from the configuration of the balance of forces in the field of class struggle and the characteristics which the domination of the dominant class and its allies over the subordinate classes acquires within particular historical phases (Poulantzas, 1978b: 147, 153).

One then may speak, with Althusser, of the emergence and evolution of the police in the capitalist state as an instance the 'inheritance' of the state apparatus along the lineage of the dominant classes and its *continuous 'perfectioning'* in correspondence with their interests in subjugating the exploited classes (Althusser, 2006: 60). Historical surveys of the police have shown clearly the long processes by which the modern police emerged from pre-existing offices and functions (Williams, 1979), including the gradual transformation of military bodies into police forces (Emsley, 1999). This process of fermentation, both organisational and ideological, is present even in those cases where the establishment of a specialised police force appears as a rupture; for example, recent historical inquiries have questioned the orthodox accounts of the establishment of the Metropolitan Police as a complete rupture with the pre-existing system of policing, and have situated this emergence in the light of the capacity of the political system to generate an organisational strategy for order (e.g., Emsley, 1991; Taylor, 1997); interestingly, one may also notice that Colquhoun's famous treatise of the police that appeared at the turn of the 18th century reads in many occasions as an enthusiastic appraisal of continental police forces (1969).¹³ There is a double edge in this point: firstly, the emergence of the capitalist state and of the modern police are inscribed in one and the same process, and the configuration of the field of class struggle that corresponds to the phase of capitalism's extended reproduction is engraved in the organisation of the state and of the police apparatus; but secondly, the tempo of process was dictated by the specific circumstances of capitalist development in these social formations.

In this light, the tendency towards the bureaucratisation and the professionalisation of policing reflects a continuous process of the development of a public body whose characteristics correspond more closely to the general structural determinations of the state as an ensemble of apparatuses perpetuating class rule under capitalism: a separate

13 Greek policing offers another characteristic example. While the establishment of the Greek Gendarmerie appears as a historical rupture, somehow underscored by the opening phrase '*there will be a Gendarmerie*' of the Royal Decree of 1833, the detailed examination of its establishment suggests that it was by and large the state's attempt at coopting the idle armed fighters of the independence struggle (Rigakos and Papanicolaou, 2003: 277–278).

body of officials that hold a particular position within the state's division of labour armoured with a corresponding ideology of *esprit de corps* and of public service, which is instilled in this personnel by virtue of its training, appearance, and organisation of work within a force invested in public stature. The sociology of the police, exactly because of its conditions of emergence as an academic discipline has been inclined to make too much of the individual police officer's experience and point to the contradictory effects of this internal ideology from the rank-and-file's viewpoint. But while the occupational subculture theme is an important one, one should not lose focus of the fact that if a police force is possible for the capitalist state, it must be constituted via the general processes that define the separation of the state, namely the constitution of a rule-based system of work implemented on the basis of an internal division of labour that involves gradations of the personnel and enables steering from the top. This conception of the police was ever present in the political programmes for police reform, and it is on the basis of this exact conception of a neutral, depoliticised, rule-bound and rationally organised force that, for example, August Vollmer was able to expound in 1922 the 'aims and ideals of the police' (1922) and subsequently to assess positively the achievements of the American progressive era towards the establishment of professional, technique-driven police forces in the service of public interest (1933; for a general account of the progressive era reforms, see Fogelson, 1977).

Although the preceding discussion suggests that the particulars of police organisation and ideology should be more appropriately sought in the light of the historical constitution of the state apparatuses within specific social formations (Ferret, 2004; Gleizal, 1981; Jones and Newburn, 2002; Rigakos and Papanicolaou, 2003), it is now possible to return to a discussion of police activities situated exactly within the framework of the state and its overall political role in the structure of social formations where the capitalist mode of production prevails.

It should be clear that any examination of police work must take into account the fact that one is dealing at all times with the operation of a body constituted within the organisational space of the state; police work bears the traits of public officialdom both internally, through its constitution as a hierarchy of salaried professional functionaries of the state, and externally, as state intervention in the field of social relations. Police work is not organisational work in the general sense of bureaucracy employed by organisational theory, which points to a rational arrangement of technologies and work processes aiming to a maximisation of efficiency and effectiveness (Thompson, 1967), but rather a work process within a bureaucracy in the original strict Weberian sense that applies dir-

ectly to the constitutive characteristics of modern officialdom.

In this sense, the rooting of the sociology of the police in organisational sociology cannot in fact yield entirely satisfactory answers to the question of the role of the police in society. Recall that the central question of the sociology of the police, underpinned by the liberal understanding of the state as neutral arbiter, has been, in fact, the explanation of police deviancy, the violation of the rules that presumably establish the neutrality of the police. In this respect, the enterprise has followed a trajectory that parallels that of organisational sociology in general. While the official/dominant thinking on the police, which stems from within the police bureaucracy itself and also bears upon the sociology *for* the police (see, e.g., Doerner and Dantzker, 2000), has largely espoused the idea of the organisation as a closed system, and thus seeks the perfecting of bureaucratic control over the force via incessant rule-laying (Dixon, 1997), the sociology of the police has progressively moved to a paradigm of external-social control over the organisation and its members (Crank and Langworthy, 1992; Crank, 2003; Manning, 1979; 1997; Reiss and Bordua, 1967), echoing the ascendancy of institutionalism in wider organisational theory itself (DiMaggio and Powell, 1991; Meyer and Rowan, 1977; Scott, 2001). Ultimately, the theme of police subculture itself covers the behavioural adaptations of the police officers under the strain of hierarchical, peer, or external constraints.

When the question comes to what the police do, the idea of lending unity to their organisational activities by conceiving them as a repository of legitimate, state-sanctioned force operates within the framework of the sociology of the police as a device that impedes the questioning of the social purpose of the police function. Bittner's oft-used definition of the police as 'a mechanism for the distribution of non-negotiably coercive force employed in accordance with the dictates of an intuitive grasp of the situation' (Bittner, 1979: 46), derived from the formula 'something that ought not to be happening and about which someone had better do something now!' (1979: 132) is a decisive theoretical break, provided that one recognises that police action unfolds in an already structured space, whose principle of understanding makes a fundamental difference, depending exactly on where the theoretical line of demarcation is placed. Arguably, the different theoretical perspectives could ultimately be as incommensurable as the positions that different classes take in the waging of ideological class struggle (Althusser, 1976b: 143): the formulation that the police intervene in situations that 'ought not to be happening', begs the question 'by whose standards?' which a Marxist would readily complement with Lenin's aphorism that the police are 'a special organisation of armed men subordinate to the bourgeoisie in one way or another, separate from and opposed to the people' (Lenin,

1964b: 327).

The latter is already a compelling alternative formulation. From the viewpoint of the ruling classes, the guardianship and peacekeeping tasks of the police contribute directly to the maintenance of the reproduction of capitalist social organisation. Additionally, there is certainly a small number of studies that have laid down with clarity the argument that the emergence of the police went hand in hand with the emergence of capitalism, and has functioned to protect the interests of the capitalist class by disciplining and intimidating the working class and by disrupting and suppressing working class activism (Bunyan, 1976; CRCJ, 1975; Harring and McMullin, 1975; Harring, 1983; Storch, 1976). But if the state's task in a class society is to sanction and legitimise the interests of the dominant classes (Poulantzas, 1978a: 78) by constituting a factor of organisation for the latter and, conversely, a factor of disorganisation for the subordinate classes, then what lends conceptual unity to police activities as practice that bears its transformative effects in the field of social relations should be understood, beyond open oppression, exactly in the light of the global political role of the state. According to Poulantzas, the state relates to the field of class struggle by mediating an effect which is by and large of its own making, and which he calls an 'effect of isolation': the juridical and ideological structures set up at their level the agents of production as juridicopolitical subjects to the effect that socio-economic relations are experienced by the agents 'as fragmentation and atomisation', as relations of 'competition between both the wage-earning workers and the capitalist owners of private property' (Poulantzas, 1978b: 134). The state's function is to represent the unity of this isolation, and by acting as the repository of all these individual wills to reconstitute them as the unity of the people-nation (Hall et al., 1978).

The special characteristic of the police apparatus is that on one hand, by being a body of professionals disciplined and ideologically inculcated within its organisational field, its separation from the people is much more pronounced, and, on the other, its intervention in the field of class struggle is much more direct, by being the front line of state action, a 'state in the streets', as it were (Hinton, 2006). Police work mediates directly the political facets of the ideology of individualisation, firstly by virtue of its being work with the law. Whether one sees the law as a resource (Bittner, 1979) or a structure (Grimshaw and Jefferson, 1987) of police activity, there is no doubt the the police perform and specialise in intellectual labour whose object is the application of substantive and procedural legal rules (Dixon, 1997). Ultimately the mechanics of police discretion can be traced in the import for this intellectual labour of the special structure of the criminal law, whereby an individual's behaviour must be situationally reconstructed as a unity

from a sum of fragmentary actions and subjective states that may occur at particular places and times or under particular conditions.

However, the ideology of the police is not merely legalistic, but is rather equipped with ideological elements which are promulgated by a range of apparatuses, including those which, by means of involving an element of incorporation of representation of the popular masses, constitute sites where the spontaneous forms of ideology secreted by the social division of labour are embodied more directly (Poulantzas, 2000: 65–66). This means that the police apparatus is also organised from the outside by means of distinctive ideologies about crime, victimisation, difference and fear which are capable of instilling an ideological unity of the dominant classes vis-à-vis subordinate populations which are constituted as ‘deviant’ or ‘dangerous’, but which are intransparent enough to the subordinate classes so as to engineer consensus or even cooptation, in so far as their object is experienced exactly as crime, victimisation, and difference across dimensions which have been seemingly emptied of class content (age, race and ethnicity, place and so on). Police work unfolds in a space which is already organised ideologically to conceal class bias, and translates directly to concentrated effects of inclusion and exclusion of particular populations, which can be indeed understood in terms of legal rights and citizenship status (Waddington, 1999). While this latter approach outlines an horizon for a rights-based political action towards controlling the police, the very conditions of this action are compromised by the divisions among the subordinated classes that police work instils.

Imperialism and the police

The remainder of this chapter will discuss the import of the preceding theses for policing in the light of contemporary developments, an effort which now necessitates an examination of the question of imperialism and, accordingly, the mobilisation of a range of relevant Marxist theoretical insights that seem to me compatible with the framework I have introduced already. As in the previous section, I propose to begin by discussing briefly the premises of the current mainstream understandings of globalisation, which, as I have argued already, underpin the current theory of transnational policing. Just I have juxtaposed a liberal understanding of the state and police relation with Marxist ideas, so do I propose to juxtapose the liberal, to put it bluntly, understanding of the current state of affairs *as* globalisation with the Marxist theory of imperialism, and draw the implications for transnational policing.

I have already explained that the conceptualisation of the internationalisation of police activities in current approaches (Sheptycki, 2002: 1-2) is informed by what appears to be a notion of a unified global social structure as the condition of the process. This assumption is largely common to both the early transnationalist framework and current mainstream approaches to globalisation, and generally translates to an understanding of the world as unified social space where actors other than states and interests other than state interests possess the capacity to shape the state of affairs in various issue areas even against the will of states: globalisation, it is argued, produces a borderless world where the autonomy of the national state is decisively undermined. Sociological accounts of the phenomenon embrace the idea of a structural shift 'from a world of discrete but interdependent national states to the world as a shared social space' (Held and McGrew, 2007: 3), and have either built on a range of empirical indications that are thought to provide support to the above idea, or on globalisation as a concept on its own accord, that encapsulates a theoretical primacy of space-time compression (particularly Giddens, 1990).

The strong version of globalisation theory has already been subjected to devastating critique on the grounds that its treatment of the spatiotemporal dimensions of social organisation involves a fatal logical inconsistency in so far as it conflates *explanans* and *explanandum* (Rosenberg, 2000). According to this strong version, the present era involves a fundamental change in that human societies undergo a process of thorough deterritorialisation. As Scholte argues, the 'growth of "supraterritorial" relations between people' (Scholte, 2000: 46) brings about a distinct kind of space-time compression to the effect that global transactions take place under conditions where "place" is not territorially fixed, territorial distance is covered in effectively no time, and territorial boundaries present no particular impediment': 'they can extend anywhere in the world at the same time and can unite locations anywhere in effectively no time' (2000: 48). The point is that the organisation of human societies on the basis of a system of territorially based national states is fast becoming obsolete. Nevertheless, the conceptual inflation of 'supraterritoriality' to something that *explains* other types of social relations is quite unwarranted: it is rather the case that these other relations, economic, technological and so on, produce spatial patterns and configure the relation of time and space. In short, if globalisation is the negation of territorialism, it is exactly the new configuration of position, distance and separation that needs *to be explained* by reference to social relations that can be shown to be of more fundamental importance (Rosenberg, 2000: 39). In other words, it is these other social relations that also explain the existence (and persistence) of the interstate

system.

Apart from approaches such as the above, it has been argued on empirical grounds that globalisation represents at any rate a fundamental shift, bringing about a change that is both quantitative and qualitative in nature, and is characterised by the 'stretching of social, political and economic activities across political frontiers', the 'intensification, or growing magnitude, of interconnectedness, in almost every sphere of social existence', the 'accelerating pace of transborder interactions and processes' as a result of technological change, and finally, the 'deepening enmeshment of the local and global', as a result of the growing 'extensity, intensity and velocity of global interactions' (Held and McGrew, 2007: 2–3).

It is quite characteristic that the main lines of this argument are typically drawn from the domain of economy. Globalisation is essentially an intensification of world economic integration and flows of capital, commodities and, to a lesser extent, labour: it has been boosted by liberalisation policies in the post-WWII era, and is manifested by the significant growth and expansion of trade in goods and services between a larger number of countries and sectors (Held and McGrew, 2007: 74). Even the proponents of the strong thesis often underscore the significance of genuinely global markets, in which products are 'distributed and sold in a transworld space through a coordinated supraterritorial business strategy': these involve industries which possess a global marketing strategy for a huge range of products, including raw materials, food and beverages, clothes, pharmaceuticals, music recordings, cigarettes, vehicles and so on, products which have become part of the 'everyday lives of most of humanity' (Scholte, 2000: 51). Similarly, money and finance have also become genuinely global, manifested by worldwide accepted monies such as the US dollar or the Euro, or of 'round-the-world, round-the-clock' money markets, or off-shore financial centres.

The globalisation thesis is quick to draw a number of conclusions about the nature of contemporary international politics exactly on the basis of the intensification of global integration. I have already considered some aspects of this thinking in my discussion of the idea of transnational relations and the question of agency in international relations in the previous chapter. The conceptualisation of the ground upon which this agency is understood to act is exactly a unified social space emerging from the retreat or the demise of the national state as a unit for economic, social, political and also cultural organisation of human life. Put in the simplest of terms, the contemporary levels of economic integration are complemented by processes of social and political integration which diminish the importance of the nation-state as a site of political action and decision mak-

ing. Although Held et al. (1999)—in whose account the globalist argument is presented with as much clarity as with caution—remark that ‘governments and states remain, of course, powerful actors’, they note that the latter nevertheless share a *global arena* with a vast array and enormous number of intergovernmental organisations, international agencies, supranational organisation and non-governmental bodies. Their analysis moves on to identify empirical instances of events and interactions which under the rubrics of internationalisation, transnationalisation and the growth of international regimes constitute aspects of a process by which national government is increasingly locked into a web of global, regional and multilateral systems of governance. Thus, the emergence of a global economic space is complemented by a social and political global unified space.

The problem is that these analyses, in so far as they are supposed to be explanations rather than descriptions, more raise than solve problems. One possible point to begin reflecting on these analyses is their acceptance of the declining significance of territorial organisation and boundaries, which removes from the theoretical vista of globalisation theory the most tangible manifestations of the materiality of human history and replaces them with an abstract reality, the normativity of *institutions*. This is particularly evident in Giddens’s analyses on ‘trust’ and its relation with the disembedding mechanisms of ‘abstract tokens’ (money!) and ‘expert systems’ that ‘lift out’ social activity from localised contexts and ‘reorganise relations across large time–space distances’ (Giddens, 1990: 21–29, 53). It is within this abstract space, secondly, that one encounters the empirical flows of money, goods, people and ideas. All these may move incessantly across the globe, yet, theoretically detached from their material conditions of existence, and placed in a world emptied from ‘recognisably social causes’—as Rosenberg (2000: 89) puts it—they go nowhere; they are only as free as to flow within the normative space of one single institution that provides the template for all empirical analyses of globalisation: the market.

We may thus connect the theoretical propositions of globalisation theory with the idea that globalisation has served as key means of neoliberal ideological warfare against state regulation and for market liberalisation, a criticism which is now well-established (e.g., Amin, 2004; Callinicos, 2001; Harvey, 2007): to recall Michel Aglietta’s (1982: 5) sharp observation, neoliberal thinking in international relations is ‘nothing other than’ the projection of an idealised structure of the market, a homogeneous space of exchange, on a world scale. But if all that defines the structure of the social world is the operative logic of the market, then everything else must inevitably succumb to the reality of the latter. Yet, beyond the issue of ideological expediency, essential problems remain when theories of globalisation are taken as what they present themselves to be, as explanations of

the contemporary world. From this viewpoint, it is difficult to discern what exactly is asserted not only about the configuration of the multiple centres that propel these contemporary transformations, but also about their direction. As Gonzalo Pozo–Martin noted:

multidimensional reciprocal causality does provoke a certain sense of directionless indeterminacy...If we concede that such a thing as globalisation exists, can we ever envisage what it is not, beyond the stress of non-territorial thinking? Can we assess where this tide is taking us?...The answer is probably not (Pozo-Martin, 2006: 229).

Imperialism and the state

Sceptics who have pursued an empirical assessment of contemporary developments in the globalisation debate have been quick to point out that the levels of economic integration we are currently experiencing are not unprecedented, and at any rate dramatic enough to support the idea of a radical qualitative change in the configuration of human societies. Apart from arguments within the globalisation exchange, we now possess valuable accounts that document the existence of comparable volumes of market exchanges and levels of capital flows regionally and world-wide during the 19th century (e.g., O'Rourke and Williamson, 1999); so, the contemporary sense of dramatic change is arguably due to the fact that international market integration *regressed* between the beginning of WWI and the end of WWII to levels far inferior to those existing before 1914 (Hirst and Thompson, 1996). While it has been suggested that the matter cannot be settled entirely on quantitative comparisons between the two eras, the substance of the sceptic argument is that, in the final instance, these contemporary changes are inscribed within the one and the same process of global development of capitalism and of the changes it induces to human social and political organisation; the same which Marx and Engels had been describing as 'intercourse in every direction, universal interdependence of nations' in the pages of the Communist Manifesto (1976a). Put in a different way, while the task of the day is the analysis of the contemporary restructuring of capitalism at world-wide scale, the analytical tools that allow this task to be carried are quite in place already.

It is in this respect that the historical materialist thinking on imperialism, which incorporates several analytical lines initiated at different times during the past century, offers a viable alternative to the conceptualisation of the global reality offered by the perspectives in mainstream IR or theories of globalisation. What is important about the theory of imperialism is that it includes at once in its explanatory horizon both an account of the restructuring of capitalism as an economic system around the emergence of finance

capital as a fusion of industrial and financial capital and the creation of monopolies as powerful economic units (Hilferding, 1981), *as well as* an account of the social and political implications that this restructuring brings about not only at the level of particular social formations, but also at the level of the relations between social formations and their states—the international system. This thinking complements therefore in an essential manner the Marxian corpus whose treatment of the internationalisation of capital and its implications had been rather fragmentary. As there are inevitably differences between the various views in what follows I shall present a brief synthesis that complements the approach I have already taken on the questions of state power and the police and which can be applied more directly on the question of transnational policing.

In one of the first systematic expositions of the theory, Nikolai Bukharin, building heavily on Hilferding's (1981) seminal analysis of the transformations of capitalist economic organisation under the dominance of money capital at the beginning of the 20th century, defined imperialism as 'the policy of conquest of finance capital' (Bukharin, 1972: ch.9). Shortly afterwards, in his well-known 1916 pamphlet, Lenin proposed a wider formulation, according to which

'imperialism is capitalism at that stage of development at which the dominance of monopolies and finance capital is established; in which the export of capital has acquired pronounced importance; in which the division of the world among the international trusts has begun, in which the division of all territories of the globe among the biggest capitalist powers has been completed' (Lenin, 1970a: 106).

Following Hilferding, Lenin incorporates in this definition the political implications of the fusion and concentration of capitals with regard to the question of state power, something that allowed him to fulfil the political purpose of the pamphlet and outline an explanation of the outbreak of the WWI as a consequence of the formation of state policies under the dominance of finance capital. In this light, states represent the interests of finance capital which, because of the latter's dependence in the world market for resources and outlets, pursue policies aiming to shape international spheres of influence. In the case of the most powerful states, where capitalism is most advanced, these policies include war as a strategy towards world domination.

Given the political purpose of his much discussed pamphlet, the task of elaborating on Lenin's simplified rendering of the processes the imperialist stage unleashes has fallen to other theorists. Among the numerous analyses that have appeared since, and which all develop the basic and often contradictory analytical lines laid down by virtually all the important marxist theorists of the early 20th century, including Lenin, Luxembourg,

Bukharin and Kautsky, it is Poulantzas's work (Poulantzas, 1974b; 1978a; 2000) that has provided a very sophisticated analysis of the process of the internationalisation of capital using a structural causality approach (Althusser, 2005b), and has drawn the implications from the viewpoint of the induced changes in state power and the modifications they entail for the state apparatuses.

Developments in the late 1960s and early 1970s, particularly the rise of the multinational corporation (see, e.g., Modelski, 1972; Nye, 1972) and the question of European integration in the form of the EEC (within Marxism, see, e.g., Mandel, 1967), brought at the forefront of theoretical concerns the question whether internationalisation brings about a dissolution of national economy and national state in favour of transnational economic organisation and supranational government. Poulantzas's (1978a) answer was that such developments could be understood as the full unfolding of imperialism as the ongoing re-articulation of capitalist social relations at an international scale. The roots of the intensification of this process, manifested in all areas of economic activity, including international capital flows and export of goods and capital, lie in the crisis of overaccumulation which capitalism entered after the prolonged boom of the post-WWII period (Brenner, 2006). This phase of imperialism is an expression of capital's continuous drive towards maximisation of profit, not merely as the 'globalisation' of the sphere of circulation, which capitalism has accomplished already at an earlier point, but also and primarily as export of capital (what is known as foreign direct investment—FDI) and also investment in the international financial markets, which allow an additional benefit from the unevenness of global development and the potential for capital to be employed more profitably, and thus counteract the tendency of the rate of profit to fall. While this process of restructuring makes it impossible to speak anymore of independent national social formations, internationalisation does not annul capital's structural reliance on the national state as the fundamental unit of its reproduction. Rather, as it engenders very high levels of integration that from a structural viewpoint modify significantly the conditions for class struggle within the national social formation, both as regards the relations between dominant and subordinate classes and as regards the relations between the fractions of the dominant class and its allies in the ruling power bloc, internationalisation also creates the conditions for the emergence of a new form of state.

Poulantzas considers these developments at the level of social formations, understood as an articulation of modes of production, and in the light of the 'conservation–dissolution' effects (see Bettelheim, 1972) induced by the extended reproduction of capitalism. What characterises the imperialist stage is on one hand the full consolidation of

the dominance of the capitalist mode of production in the most advanced capitalist social formations, the imperialist metropolises, and on the other, the simultaneous expansion of capitalist social relations outside these formations, both in the other metropolises and within those social formations that were previously connected to the former under a colonial type of relationship. This double movement works upon a given cleavage between advanced and dominated and dependent formations, the relations between centre and periphery, but modifies them to engender the *imperialist chain*, an integrated structure that links national social formations by relations of dominance and dependency where each link 'reflects the chain as a whole in the specificity of its own social formation' (Poulantzas, 1978a: 42). Imperialism, in short, overdetermines both the reproduction of the capitalist mode of production within national formations and the relation of this mode with the other modes and forms of production that exist within those formations:

Social formations are...the sites of the reproduction process; they are nodes of uneven development of the relationship of modes and forms of production within the class struggle. This means that the site where the CMP is reproduced in the imperialist stage is the imperialist chain and its links (Poulantzas, 1978a: 49).

In order to draw the relevance of the above approach for what concerns the present analyses, it should be remembered is that the entire discussion of the reproduction of capitalism on an international scale is firmly grounded on a perspective that considers social relations, just as capital itself is a social relation and 'not a thing'. This idea could already be found in Hilferding's analyses, which stressed the significance of capital export as an instance of the reproduction of advanced capitalist relations of production within the ground of less advanced social formations:

imported at the level already attained in the most advanced country...a newly established industry develops from the outset as an advance capitalist enterprise, so capitalism is...imported into a new country in its most advanced form and exerts its revolutionary effects far more strongly and in a much shorter time (Hilferding, 1981: 322-323).

It follows that the induced reproduction of capitalism within these other formations also involves the domains of their state apparatuses and ideological forms (Poulantzas, 1978a: 46). So on one hand there is an economic process which motors the development of the imperialist chain, and creates reciprocal but asymmetrical movements between its nodes, including, for example, migratory movements from those countries where the dissolution effects are most intense (History Task Force, 1979), and on the other engenders complex modifications on the political and ideological structures of social forma-

tions, including the metropolises. The imperialist chain is not a hierarchy, but indeed a complex articulation of overlapping relations of domination and dependency between social formations, where stronger and weaker links are shaped by economic, political and ideological class struggles relaying the effects of the process of its reproduction as a whole in a distinctive national fashion.

Poulantzas attempted to explain the fact of post-WWII American hegemony exactly on the basis of the extent to which other formations, including the European metropolises, became sites for the reproduction of American capital, thus creating very complex networks of economic, political and ideological dependencies, whose effects could not be cancelled out by the progressive strengthening of European capitalism, and the counteraction in the form of the EU: it is rather the case that the process has created conditions for a more concretely European economic regionalism (Carchedi, 2001), which operates under the superintendence of American capital and the superior diplomatic and other capacities of the American state (Bacevich, 2002; Gowan, 1999a; Panitch and Gindin, 2005). The decisive fact of this phase of imperialism is not that the internationalisation of capital, which also engenders an international socialisation of the labour process, manifested in the transnational production networks established by multinational corporations, creates a truly transnational, unified global social structure, which could in turn give rise to a transnational state (Robinson, 2004). Even within conditions of very high economic integration between the capitals of different countries, the dominant relations of control can be traced to a primary national base, and entail privileged access to the state apparatuses of that state (e.g., IBM or Microsoft are, in the final instance, American corporations).

Rather, the mechanism that produces the political possibility of international integration in a 'peaceful' manner and of higher levels of international organisation, as manifested in the period since the end of WWII lies exactly in the modifications of the class structure of social formations where foreign capital is reproduced, and particularly in the relations between different segments of the capitalist class, according to the mode in which they themselves relate with the process of the reproduction of multinational capital. Foreign capitals arrive on the site of a social formation as truly transformative social forces (Panitch and Gindin, 2005: 8) both independently, but also in their interaction with the domestic bourgeoisie, through the appropriation or use of existing production, commercial and financial networks, or the creation of new ones, to the effect that the capitalist class itself and its interests become heterogeneous by virtue of their internationalisation. Furthermore, the transformative process is extended to the structures that

determine the position of other social classes, the traditional petty and new petty bourgeoisie and the working class. So the current phase of imperialism modifies relations in the field of class struggle. To return to Althusser's terms, the process, in so far as it modifies the 'fuel mix' of the state engine, it transforms the state into a field where the fragmented interests of the ruling bloc must be now organised and be transformed to legitimate Power. While the structural role of the capitalist state remains the same, and while it also remains a *national* state in so far as the traits of the nation, territory, language, ideology, are firmly engraved in the very material structure of the state (Poulantzas, 2000) imperialism brings about transformations in the form of state that entail the possibility of a transnational networking of bureaucracies. But the modality of this networking is conditioned by the global role of the state itself and its anchoring on the national social formation, so that in the imperialist phase the state performs its global task of maintaining the unity and cohesion of a social formation 'in a context of world class contradictions' (Poulantzas, 1978a: 78).

Policing imperialism: a tentative vocabulary for transnational policing

What follows from the preceding analyses is a substantively corrective perspective of transnational policing exactly on the point that I have stressed in my critical review of its current theory, the question of the institutional specificity of the police. The determinations of transnational policing must be sought not on an abstract 'need' for police co-operation, nor to a presumed agency of the police organisation as an 'autonomous' bureaucracy, but rather on the ground of the form of state that corresponds to the present phase of imperialism, and the mode it articulates the interests of the ruling class and the conditions for its continuing political domination. In what follows I shall try to draw certain general analytical lines in preparation of the application of this perspective on the case study of the concrete circuit of transnational policing in Southeast Europe.

By relating the activities of the police apparatus to the form of state that corresponds to the present phase of imperialism, is it possible to establish, firstly, the *continuity* of national policing and transnational policing: it is no longer possible to regard the international activities of the police as an exceptional domain that exists in relative isolation from the forms of everyday policing. At the same time, by being inscribed in the dynamics of the imperialist chain, the modality of this international networking of the police apparatuses also bears special effects in the domain of domestic policing, in so far as they determine the conditions for the emergence of networks of transnational policing which

vary in size, form and intensity of activity.

Let me insist on this point by continuing to refer to Poulantzas's analyses, especially since I have already indicated the direct import they have for more recent approaches, whether they adopt a more particular terminology of the 'neoliberal' or 'imperial' state (Panitch and Gindin, 2005; Panitch, 2000). Poulantzas did not live to see the full extent of the political consequences of the capitalist restructuring he was already writing about in the 1970s, the collapse of the soviet regimes in the East and the full retreat of the left in the West or the rise of Atlantic speculative capitalism (Albert, 1993) that wreaks social havoc today (Brenner, 2003; 2006; Gowan, 1999a). Nevertheless, his analyses of the form of state emerging in the ongoing, present phase of imperialism remain entirely relevant, exactly because his outlining of 'authoritarian statism' (Poulantzas, 2000) is concerned with the fundamental contradiction between the state's 'economic role and its role in maintaining order and organizing consent' (2000: 168).

Internationalisation has not been inconsequential for the state, but not because it has presumably diminished its significance or capacity for intervention in the field of social relations, unless one of course insists on the subjectivist imagery of society and of international relations. Rather, because the national state constitutes a node for the reproduction of the imperialist chain as a whole, its economic role has become more pronounced, in the sense that the totality of its operations have been reorganised in relation to that role. The rise of neoliberalism since the late 1970s and early 1980s has been a radical *political* solution to an overaccumulation crisis which could not be dealt effectively for capital's interests without abandoning the redistributive politics, public expenditures and the expansion of welfare state that complemented the post-WWII economic boom. If the overcoming of capitalist crises from an economic perspective entails the destruction (devaluation) of less profitable capitals, the reorganisation of production through technological innovations and the reshuffling of the power balance between capital and labour by means of laying off part of the workforce (Harvey, 2006b: 200–203), neoliberalism has provided the political complement for the overcoming of *this* crisis within already advanced levels of internationalisation and within the given structure of the imperialist chain operating under American hegemony. The restructuring of capital in the capitalist metropolises was not merely complemented, but quite reinforced actively by state policies of privatisation and deregulation, the adoption of suitable monetary policies, new public management, the flexibilisation of the labour market and the dismantling of the welfare state (Harvey, 2006a). In short, in accordance with the particular situation in the field of class struggle, states have acted as organisers in the ascendancy of neoliberal-

ism, beginning with the Conservative governments and Republican administrations in the UK and the US respectively; others followed suit, especially as the US controlled International Financial Institutions have orchestrated the promulgation of these policies internationally (Gowan, 1999a). Viewed from this perspective, it would not be an exaggeration to say that globalisation is the result of how neoliberal policies have been relayed by states throughout the imperialist chain.

The idea that the state was becoming geared towards the organisation of this vital breath of life to a capitalism that showed increasingly the signs of a deep crisis resonates throughout Poulantzas's last book, which diagnosed with astonishing clarity the characteristics of the neoliberal state pointed out currently in critical analyses.

Be they repressive, ideological or of another kind, the functions of the state cannot be considered in isolation from its newly-defined economic role...*The totality of operations of the State are currently being reorganised in relation to its economic role.* This is true not only of ideological-repressive measures, but also of state activity in the fields of disciplinary individualisation and corporality, the elaboration of strategic discourse and the production of science (Poulantzas, 2000: 168, emphasis in original).

Poulantzas was thus particularly concerned to draw the political implications of this restructuring, by noting an increasing tension between the state's role in maintaining the conditions of the political domination of the ruling classes, the power bloc of the dominant class and its allies, and its capacity to retain a popular-democratic form. Applying the results of his studies of the political forms associated with the emergence of inter-war fascist regimes (1974a) and of the more recent dictatorships in South Europe (1976), he concluded that the restructuring of the state in the late 1970s was following a comparable (but distinct) authoritarian trajectory, in the sense that the state's thickening of economic functions through increasing intervention in the fine-tuning of the production and circulation cycles where complemented and combined with a decline of democratic institutions—in the terms I have discussed above, with an intensification of the state's separation from the field of class struggle. The indices of this change was the strengthening of the state's executive functions at the expense of parliamentarism, as well as the rising significance of the ideological apparatuses operating as transmission belts of the state (neoliberal) ideology to the people and as means of eliciting the consent of the electorate, particularly of the 'middle class', through plebiscitary tactics. This form of state Poulantzas called 'authoritarian statism':

greater exclusion of the masses from the centres of political decision-making; widening of the distance between citizens and the state apparatus, just when the state is invading the life of society as a whole; an unprecedented

degree of state centralism; increased attempts to regiment the masses through participation schemes (Poulantzas, 2000: 238).

The importance of these analyses, then, is that they fully situate certain important structural factors motoring the intensification of the interactions of the police apparatuses in the 1970s and after, and bear upon the conceptualisation of transnational policing as a distinctive phenomenon of this era.

What Poulantzas calls the 'irresistible' rise of the administration under authoritarian statism provides firstly the general background for the development of such a pattern, especially since much of the activity occurring under loose political frameworks of cooperation is regarded as 'technical matters' and is therefore insulated from closer political scrutiny from representative bodies or elected officials. This point does not so much bear on the question of informality of contacts in transnational policing, but more generally on the institutionalisation of the development of transnational police cooperation via the administrative channels of police bureaucracy and away from power centres performing institutional controls towards accountability. What appears as practical solutions or police initiative in cross-border or wider international cooperation (Benyon et al., 1993) is, in fact, an effect of the structures of authoritarian statism in the field of police bureaucracy, and the intensification of these modes of action is accounted by these structures. Criticisms of the mode of development of the structures of European police cooperation since Trevi stress exactly this pattern of initiative-cum-insulation (Hayes, 2002).

But what should be stressed is that these police officials enter the field of international relations *as* functionaries of *their* respective states, which in performing its global political role must still cater concretely for the cohesion of the national social formation within the context of international contradictions under imperialism. On one hand, these agents enter the field as bearers of the ideology and esprit de corps of *their* national police apparatus which interpellates them as agents of *this* national police apparatus, and separates them culturally and professionally from their foreign counterparts.¹⁴ On the other, nationality bears upon what Deflem (2002a) perceives as a contradiction in transnational policing, the definition of the pursuit of objectives in terms of the national

¹⁴ An extremely interesting instance of this aspect involves the question of the 'burnout' case (Goodman, 1990; Skolnick and Fyfe, 1993) in transnational policing, on examples of which I will not be able to elaborate in the case study for reasons of relevance and confidentiality. Obviously the burnout case cannot enter any typology of the *dramatis personae* of transnational policing (Sheptycki, 2002), simply because the officers who experience this type of stress are withdrawn from the field; but what is characteristic of these cases is not the lack professional commitment, which is the quality that brought them in the field in the first place, but a deep sense of incompatibility with the international environment experienced in terms of a nostalgia for the environment of their home country *and* the home police organisation.

interest. This is not a mere rationalisation of the nature of the tasks accomplished, but flows directly from the constitution of the police organisation as an apparatus of the national state: it is an ideological effect as much as it is a structurally determined function, provided that one does not adopt a rigid definition of the national interest (Krasner, 1978), but recognises that it is at all times defined by the field of class struggle, and more specifically from the balance of forces within the power bloc, where foreign class interests may also participate as distinctive social forces. The national interest is a concretisation in policy terms of the overlapping relations of domination and dependency materialised in the state, and it enters the domain of the international police organisation as such. In other words, national interests determine the limits of the specific effectivity of international police organisations.

Furthermore, the rise of authoritarian statism as a result of the state's closer tuning in to the regulation of the economy and of socio-economic relations firstly situates the fact that much of contemporary police cooperation involves criminalised activities which bear upon the functioning of the economy. Organised crime, which provides the concrete justification for the development of structures of police cooperation currently (den Boer, 2002a), either relates to the operation of an illegal market or to activities that distort the smooth operation of legal markets (Beare and Naylor, 1999; Levi and Naylor, 2000). Projected to the contradictions involved in the imperialist chain, the core of organised crime control as police activity is polarised along the characteristic movements of capital on one hand and labour on the other, and provides the real substratum upon which state interests may be aggregated in a manner that abstracts from the particular balance of ruling class interests condensed in the state. The UN Convention on Transnational Organised Crime and its additional protocols, which is the single most important international instrument pertaining to contemporary transnational policing offers a characteristic example of this instance, in that it *condenses characteristically* the polarisation of state interests on the capital-labour axis, as an attempt towards the disciplining of both rogue or emerging capitals and the movement of labour under the current advanced conditions of economic integration. The policing of transnational organised crime rests on the necessity of controlling 'underworld' capitals which may and will take advantage of opportunities for profit transnationally, and of controlling, to a much larger extent, the corresponding clandestine mobility of labour, on whose exploitation the emergence of the former rests more concretely and which must be dismantled and suppressed by police and not other available institutional means. Nadelmann correctly points in this respect that the internationalisation of police activities involves 'immobilisation' (Nadelmann,

1993a: 4).

The above still constitutes an abstraction in the sense that it does not take into account the concrete dynamics of the imperialist chain. These determine how these processes are relayed within particular national formations and in the light of their the relations of dominance over and dependency from other social formations, and involve a bifurcation of the process, which is dialectically articulated as a relation between the activity of the police within a national formation and the process of the formation of the international regimes that correspond to these activities.

On one hand, one should always take into account the distinction between state power and state apparatus, which is a distinction between the field of class struggle and the state. The variable pressures exerted on the links of the chain bear upon the course of national economic, political and ideological struggles whose effects are relayed by the ideologies and policies promulgated by the state apparatuses. They thus organise the activities of the police apparatus from the outside, by structuring the terrain on which police action unfolds, therefore laying the path for the concretisation of the politically divisive effect of the police apparatus in the field of class struggle, as organisation of the dominant classes and disorganisation of the subordinate classes. The scare of organised crime is as much an instance of the ideological aspect of this process as much the criminalisation of the migrant worker is its terrifying result.

On the other hand, these ideologies do not enter the formation of the international regime as a simple, general correlate of an agitation process, as Andreas and Nadelmann (2006) suggest.¹⁵ Rather, the ideological results of agitation campaigns enter the process of regime formation only as *state-organised* ideologies, underpinning the concrete direction of international regulation under the concrete international balance of forces between states. This is true not simply in the case of national social movements and organisations for advocacy in related issue-areas, but even in the cases of actors that possess an international organisational base, such as NGOs and even specialised international organisations. Their specific effectivity will be a correlate of their capacity for intervention within national class struggles.

Finally, it should be remembered that the state's closer involvement in the cycle of the accumulation of capital, also means that the state itself has become a site for capital valorisation. This is general function, whose most characteristic aspect, the vast state expenditure on arms and military equipment under imperialism has been a recurrent theme

¹⁵ Although, evidently, I agree entirely with their view that the 'agitation process' is an essential component of regime formation.

in Marxist theory (Harvey, 2006b; Luxemburg, 2003; Mandel, 1999). But it also pertains to the police apparatus: it regards the development of its IT-intensive capacity for surveillance, such as the development of networks of terminals connected to centralised databases or the acquisition of technologically advanced investigative tools, *and* the development of its repressive capacities by means of advanced weaponry and other hardware, which is an equally distinctive aspect of the contemporary policing (Kraska and Kappeler, 1997; Kraska, 1999). Such trends unfold nationally and internationally on the basis of the dialectic between the state's role in the circuits of capital accumulation and the *perfectioning* of the police apparatus under authoritarian statism, much more than they involve technology as a cause for the internationalisation of policing (Deflem, 2002b).

Policing sex trafficking in Southeast Europe

Operation Mirage

In the evening of Saturday 7 September 2002 police forces from eleven countries in Southeastern Europe launched a region-wide operation against trafficking in human beings and illegal migration. During that first night of *Operation Mirage*, the police conducted extensive searches and raided 'hotels, discothèques, night-bars, parking lots, border points and other various places known to law enforcement as possibilities where criminal activity takes place' (SECI Regional Centre, n.d.). Until the operation's conclusion on 16 September, similar activities targeting the recruitment and transportation of potential victims were undertaken: artistic management companies, transportation, employment and other agencies were investigated; vehicle searches, passport and document checks, surveillance at border crossing points were intensified and significant numbers of suspected persons were intercepted while travelling. Information exchanges between police forces helped uncover particular trafficking routes and in some cases led to arrests of traffickers and the rescuing of victims in those countries and elsewhere in Europe.

Overall, the ten days of Operation Mirage yielded 20,558 searches in suspect places where 1,738 women were checked for identification and lawful entry in the respective countries, and 237 of them were identified as victims of trafficking; 293 persons were found to be involved in trafficking of human beings as recruiters, transporters, hosts or pimps, leading to the initiation of an equal number of prosecutions, while in 2,933 cases various administrative measures were taken, such as imposition of fines, interdictions, temporary imprisonment or expulsion. Furthermore, the operation resulted in the identification of 1,762 illegal immigrants, who were intercepted as they were crossing the borders on foot or by other means of transport. About 370 of them were sent back to their countries. The SECI Centre also reported that criminal procedures were initiated in 153 cases, which involved 73 identified smugglers and 241 forged identification and travel documents. A large number of administrative sanctions and measures were also taken in relation to illegal migration cases (SECI Regional Centre, n.d.; n.d.).

Operation Mirage was the materialisation of an idea for a regional operation against

human trafficking and illegal migration which had been nurtured in the works of a regional organisation aiming to promote and coordinate police cooperation, the Southeast European Cooperative Initiative Regional Centre for Combating Transborder Crime (the SECI Centre). Established in 1999, the SECI Centre embodies the law enforcement aspect of a political cooperation initiative (SECI), which has progressively involved all the countries in Southeast Europe, and aims to develop and support operations, training and other events generated by the interchange of its member police and customs forces. The Centre is based at Bucharest; while its operational structure extends well beyond the walls of the massive *Palatul Parlamentului*, its core is found in the large room which houses the activities of the police and customs liaison officers of its twelve member countries. A Task Force was set up in 2000 and brought together representatives of SECI's member and observer police forces as well as representatives of other partner organisations, such as the International Organisation for Migration (IOM), the Stability Pact and the United Nations Mission in Kosovo (UNMIK). As the idea gained impetus, it became possible in 2002 to establish an agreement on its aims and methods (SECI Regional Centre, 2006; n.d.). Beyond the SECI member states at the time, other observer states, Ukraine, the Federal Republic of Yugoslavia and the UNMIK were invited to participate in the Operation, while two American law enforcement agencies, the FBI and the (former) INS were also actively involved (SECI Regional Centre, n.d.).

The operation was planned with a view to target both human trafficking and illegal migration. It aimed, firstly, to permit 'real-time' cooperation between the involved police forces with regard to the identification of arrested or suspected traffickers and smugglers and the mutual strengthening of the resulting investigations. Furthermore, the involvement of specialist organisations such as IOM would facilitate the identification of the recovered trafficked women, the provision of care and eventually 'their repatriation to their origin countries' (SECI Regional Centre, n.d.). Each of the involved countries contributed a situation report which was used to establish a regional action plan laying down the time-frame and the general rules for the conduct of the operation. The actual conduct of the operation for each police force relied, nevertheless, on a particular national action plan, whose content remained the responsibility of each national police force. Each of the involved police forces was free to decide on the direction and specific methods of implementing its own national plan, which took into account national legal rules and procedures. So when the operation was launched on the agreed date, the police forces of each country followed their own.

SECI's role, therefore, involved the coordination and the provision of technical assist-

ance to the whole effort. Its primary task was to mediate the exchange of requests for information arising with the progress of the operation. Ninety-three such requests or messages did reach the Centre, as its member police forces sought to identify the suspects or potential victims uncovered in the course of investigations. As SECI is not legally empowered to process information, the facility it provided was not intended to replace established channels of police cooperation which involve Interpol and the special bilateral agreements concluded between the countries of the region. But it provided a hub which facilitated the function of these channels and the cooperation process 'in real time' and on a twenty-four hour basis for the duration of the operation. These core features of *Mirage* are also present in a similar series of SECI's region-wide operations in drug enforcement, such as those code-named *Bulldog* and *Containment*. Due to their nature, the latter appear to be, as it were, strictly police business, whereas *Mirage* was planned to involve and it did involve other agencies, such as IOM, whose offices or missions operate in each of the SECI countries and played a part in the operation according to an earlier agreement with the Centre and to the rules laid down by the regional action plan. It was possible, therefore, for IOM to assume in some cases the responsibility for victim assistance and also to involve its network of partner NGOs which seek to provide legal, medical and social support to trafficked persons.

The results of the first operation in 2002 were deemed a success by the involved parties. SECI and its participant police forces sought to make *Mirage* a recurrent feature of cooperative law enforcement efforts in the region. Building on the experience of the first operation, the Centre directed its efforts at involving all its members and at consolidating its relations with other organisations, including the judicial networks emerging in the region. Subsequently, with regard to the Operations *Mirage* 2003 and 2004 SECI reported similar or better results in terms of numbers of arrests and prosecutions as well as numbers of victims recovered and assisted (SECI Regional Centre, 2004; n.d.). Nevertheless, the operation was not to be repeated after 2004: although SECI has maintained a coordinating role for several investigations across the region, the original form of *Mirage* has effectively been abandoned. A curious fate, all the more since SECI's activity report in 2005 commented that 'during these operations, which were intended to be the largest operations ever executed in the South-eastern Europe, the police forces acted as a single body' (SECI Regional Centre, 2006).

The *Mirage* operations exhibit the characteristic forms which could qualify it as a textbook example of transnational policing in action, an exemplifying instance of the organisation and practices that current theorising of transnational policing is fascinated

with. Therefore, they provide, firstly, a suitable context for the application of the alternative theoretical vocabulary I am developing in this study. Secondly, having outlined the theoretical contours of the matter, I apply here the idea of structural causality to examine the *story* of Mirage, its origins, its development, and, ultimately, its demise. It follows that the question I am asking is not informed by the conventional yardsticks of international law enforcement, which feature so heavily in SECI's activity reports I have quoted already; whether this story is one of success is a question which certainly depends on establishing by whose and what standards exactly. Rather, I want to approach the event itself and prioritise the investigation of its story: *how were the Mirage operations possible?*

At a very fundamental level, to ask how Mirage was possible means to ask how it was possible *at all*. A remote acquaintance with the geopolitical situation of the Balkan region, which now appears to fashion the new name of Southeast Europe in the language of international politics, suffices to register notions of stark divisions and bitter conflicts, all of which have not yet abated. Therefore, the viability of such a joint venture between police forces, those core parts of the states found in one way or another at the heart of that situation, should not be taken for granted. Secondly, to ask how Operation Mirage was possible is to ask what explains its particular organisation, its particular methods and means of implementation. For it is not self-evident that a regional police cooperation effort, once conceived, would follow Mirage's trajectory. Rather, explanations for its characteristics should be sought in the processes that have converged to shape this particular trajectory. And thirdly, finally, to ask how Mirage was possible is to ask how its results are to be understood. For what is hidden beneath the aggregate figures of arrests, prosecutions, and recovered victims reported by SECI's activity reports, are the different policing trajectories of those countries, which are genuinely different exactly because they are different national trajectories in history.

The entry points I use to construct my account of the event coincide with the three different levels current theorising on transnational policing uses: the prohibition regime, the organisational framework, the national context. The three sections of this chapter deal therefore with the emergence of the new global prohibition regime on human trafficking, the emergence of SECI and its role, and finally the development of policing human trafficking in Greece (one of the twelve SECI countries) respectively. The relation between these levels should not be understood as linear, or hierarchical: rather, I understand and use them as interconnected layers capable of illustrating the configuration of a deep and complex space (Althusser, 2005a) where the structurally determined and contradictory relations between transnational and national, hegemonic and counter-he-

gemonic social forces in struggle were materialised in the organisational forms and the pertinent actions of different police bureaucracies. Overdetermined by the historically unique and dramatic process of the rearticulation of postcommunist Southeast European social formations' position within the global imperialist chain, these forms of organisation and action gave rise to the Mirage Operations as *an event in transnational policing*.

The new prohibition regime on human trafficking: origins, nature and enforcement

A characteristic of the Mirage Operations that stands out immediately is no other than the formulation of their objective, the targeting of human trafficking, specifically the trafficking of women for sexual exploitation,¹ and illegal migration as forms of (*transnational*) *organised crime*. This is the most suitable entry point to their story, as it involves the most general condition of their emergence, *the formulation of the problem* that these police operations sought to address. In fact, the fusion of organised crime, sex trafficking and illegal migration in the objectives is not coincidental, but rather reflects the core rationale of what can be called, following Ethan Nadelmann, the *new* global prohibition regime on human trafficking and prostitution, as it evolved in the 1990s and after. 'New' differentiates the contemporary intent and practical state of a series of international rules and law enforcement approaches from their 'traditional', as it were, focus, associated with the repression of 'white slavery' and prostitution.

Emergence of the anti-trafficking regime

Viewed without regard to specific historical contexts, the norms featured at the core of the new global prohibition regime appear to have quite a long history, as the first instance of international legislation pertaining on the matter emerged as early as the beginning of the 20th century, with the International Agreement for the Suppression of the

1 In this chapter, I use 'trafficking in women', 'trafficking in women for sexual exploitation', 'sex trafficking' interchangeably, meaning the forms of activity described in art. 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (United Nations, 2000b). My analyses will demonstrate that current choices of terms ultimately bear little on the substance of the matter. As far as the term 'sexual exploitation' is concerned, it appears in article 3(a) of the Protocol as an additional form of 'the exploitation of the prostitution of others'; while the latter term is drawn from the 1949 UN Convention on the suppression of traffic and refers to cases where any (third) person 'exploits the prostitution of another person even with the consent of that person' (United Nations, 1949), 'sexual exploitation' is rather ambiguous: there is no international definition of the term (Dottridge, 2007), and, as Lazos (2002a: 127n) remarks, the exploitation in this context can be strictly meaningful only as *economic* exploitation.

'White Slave Traffic'. Signed in Paris in 1904 by thirteen European countries initially, the agreement was the first instalment of a series of international treaties concluded in early twentieth century that were eventually consolidated with the 1950 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.² These rules are still in place today for the parties involved: the 2000 UN Convention against Transnational Organised Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the 'Palermo Protocol') did not amend any of these rules—in fact, various commentators note that the Protocol has been successful in providing a clear definition of what trafficking is (e.g., Gallagher, 2001); but what the Convention and its supplementing Protocols also did, was to recode the prohibitions instituted by the anti-white slavery instruments into a new form underpinned by apprehension about the growth and threat of transnational organised crime. Concerns about organised crime and vice were not, of course, absent from the discourse and policy proposals of the older abolitionist campaigns; yet it is obvious that the international instruments containing the rules of the anti-trafficking regime were not instituted with a view to target criminal activities bearing the particular characteristics of social and spacial organisation that are currently associated with the notion of transnational organised crime. The problem, therefore, I set out to interrogate in this section is not the emergence of a new set of prohibitions, but rather the recombination of existing elements into a novel form which involves, I believe, equally novel forms of diffusion and enforcement. How are we to explain this development? What are the implications?

Origins of the new regime

In investigating the question I have posed, it is quite useful to draw some parallels between current and older history. Arguably, the story of the international agreements of the first half of the twentieth century can be written in terms of the increasing influence and success of the national and international abolitionist campaigns of organised womanhood³ that began in the second half of the 19th century and extended well into the

2 The intermediate points of this series were: a) the *International Convention for the Suppression of the White Slave Traffic*, signed at Paris on 4 May 1910 b) the *International Convention for the Suppression of the Traffic in Women and Children*, concluded at Geneva on 30 September 1921 c) the *International Convention for the Suppression of the Traffic in Women of Full Age*, concluded at Geneva on 11 October 1933. These instruments were amended by additional protocols, and were ultimately superseded by the 1950 UN Convention.

3 Ruth Rosen uses the term *organised womanhood* to describe 'women who viewed prostitution from either a feminist or a female-identified perspective', adding that both feminists and social feminists of the American Progressive Era frequently used the term to identify themselves

first half of the twentieth (Limoncelli, 2006; Rosen, 1983; Scully, 2001; Walkowitz, 1982); as Ethan Nadelman (1990: 514) puts it, 'the international movement to abolish white slavery was led primarily by transnational moral entrepreneurs rather than governments'. This international movement originated in national campaigns against the state regulation of prostitution. In Britain, a campaign conducted by a diverse coalition of feminists, Evangelists and liberal social reformers, spearheaded by the Ladies' National Association and the charismatic Josephine Butler, pursued successfully the repeal in 1886 of the Contagious Diseases Acts which Parliament had passed in the 1860s (Walkowitz, 1982); out of the campaign emerged groups, such as the British, Continental and General Federation for the Abolition of Government Regulation of Prostitution, subsequently the International Abolitionist Federation from 1898 onwards, which developed successfully an international presence and influence (Limoncelli, 2006). The abolitionist movement had a comparable outlook and course on the American side of the Atlantic, waging firstly a battle against the 'regulationist' or 'reglementarianist' views of medical and police authorities who sought to implement a system of state regulated and medically monitored prostitution.⁴ As in Britain, the anti-regulationist campaign was conducted by a coalition of religious, feminist and civil libertarian groups from which, after the defeat of regulationism, ultimately emerged a 'social purity' movement aiming to abolish prostitution entirely, as part of a wider programme 'to reform the sexual mores of American society' (Rosen, 1983: 11). Amidst growing anxiety over the spread of prostitution in American cities, the movement escalated in the antvice crusades of the Progressive era, a point in time at which American abolitionists had already established connections with their European counterparts.

The abolitionist movement provided the backdrop for the emergence and diffusion of both discourse and action about the question of white slavery, as an emotive issue and an image capable of mustering support for the abolitionist cause. As Doezeema explains, by featuring heavily deceit, force, kidnapping or drugging, 'the "white slave" image as used by abolitionists broke down the old separation between 'voluntary', sinful and/or deviant prostitutes and 'involuntary' prostitutes, construing all prostitutes as victims, and removing the justification for regulation' (Doezeema, 2000). The implications were quite powerful. On one hand, because 'white slavery' appeared to be preponderately an international activity, it gave the anti-prostitution campaign an international scope, and also elimin-

(1983: 51n).

⁴ For a discussion of 19th century regulationism, its implementation in France, which served as model elsewhere, and its standard work of reference, A. Parent-Duchâtelet's *De la prostitution dans la ville de Paris* (1836), see Corbin 1990, and also Harsin (1985).

ated any conceptual boundaries between domestic and migratory prostitution. On the other hand, because the 'white slave' image led to the inescapable conclusion that the woman is a helpless victim, also led predictably to the vilification of the foreign characters mediating the process, such as Russians, Jews and so on (Bristow, 1982). Here thus lie the roots of the entanglement of the questions of prostitution and migratory movements. Predictably, therefore, the white slavery discourse operated as a clarion call for the erection of international prohibitions, and it is in this sense that the international instruments of the first half of the 20th century can be understood in solid connection with the gradual expansion and dominance of the abolitionist movement.

The organisations involved in the conduct of the international campaign against white slavery were a continuation of, or emerged from the earlier abolitionist ones. Limoncelli (2006) has examined the organisation, actions and influence of two of these groups, the International Abolitionist Federation (IAF) and of the International Bureau for the Suppression of the Traffic in Women (IB). The emergence of IB appears to be exactly connected with the emergence of the white slavery discourse, since the groups involved in its formation were in fact part of the earlier campaign against the Contagious Diseases Acts, but allowed some compromises towards the regulationist side as a result of their focus on suppressing white slavery. A core component of IB, which also acted as its national committee, was the the National Vigilance Association (NVA) whose efforts generated enough momentum for the organisation of an international conference in London in 1899, and then for the orchestration of the 1904 International Agreement among 12 European states, which by and large coincide with the countries where NVA organised national committees (see Scully, 2001 and United Nations, 1950b).

Although it did identify its scope as pertaining to securing 'effective protection against the criminal traffic known as the "White Slave Traffic" of women of full age who have suffered abuse or compulsion, and also of women or girls under age',⁵ the 1904 Agreement did not concretely define trafficking. It provided instead for the 'coordination of all information relative to the procuring of women and girls from immoral purposes abroad' (art. 3), called for the signatories to 'have a watch kept especially in railway stations, ports of embarkation and en route, for persons in charge of women and girls destined for an immoral life' (art. 2), and to undertake to 'have the declarations taken of women or girls of foreign nationality who are prostitutes, in order to establish their identity and civil status and discover who has caused them to leave their country' (art. 3) (United Nations, 1950b). Given the content of the Agreement and in the light of Scully's

5 The expression 'white slave traffic' appears in inverted commas in the original text of the treaty.

(2001) account of it as a result of the efforts of NVA/IB, it is not difficult to understand the dissatisfaction of other quarters of the original abolitionist movement at these developments; it appears that Butler herself understood them as a serious deviation towards regulationism (Limoncelli, 2006: 41).

The emergence of the discourse about white slavery was not merely a European event; in the first decade of the 20th century, the image had fully captured the American imagination, too, but the pace of developments was dependent on the particularities of the American juridicopolitical system. The United States did not accede to the 1904 Agreement until 1908, and did not become signatory to the 1910 Convention due to constitutional concerns. Nevertheless, Congress had passed the Alien Prostitution Importation Act as early as 1875, trafficking had already been brought under federal jurisdiction under the interstate commerce clause since the 1890s, and the White-slave Traffic Act (known as Mann Act) of 1910 criminalised the transportation in interstate commerce of women and girls for the purpose of prostitution or debauchery, or for any other immoral purpose, regardless whether that woman or girl had consented; the Mann Act effectively interfered with all forms of trafficking for prostitution or other immoral purposes, whether it involved inter-state movement, or movement between US territory and a foreign country (Beckman, 1984; Grittner, 1990). Interestingly, it was particularly the fear of international trafficking that gripped the American public, fed by the reports of both muckrakers and respectable scholars conjuring visions of vast networks of Jewish, French, Russian, Southern Italian or Chinese procurers kidnapping or luring white women to supply brothels in the Orient, South America or even the vice districts of American cities (Feldman, 1967; Rosen, 1983); somehow, as Scully remarks, it was a vision combining 'racial anxieties, colonial debates, immigration politics and public morality issues' (2001: 86); it provided a formidable base for the Progressive's abolitionist, anti-vice crusades which were fiercely waged at local, state and federal level in the years preceding the First World War.

Given the comparable courses of the abolitionist campaigns in the two sides of the Atlantic (they were, to an extent, interconnected, too), it is interesting to note how the international instruments of the period adopted the approach of prohibition-cum-state-intervention. While the 1910 International Convention (see United Nations, 1951) aimed directly at the criminalisation of white slavery by committing its signatories to punish 'any person who, to gratify the passions of others, has hired, abducted or enticed, even with her consent, a woman or a girl who is a minor for immoral purposes, or 'any person who, to gratify the passion of others, has by fraud or by the use of violence, threats, ab-

use of authority or any other means of constraint, hired, abducted or enticed a woman or a girl of full age for immoral purposes' (art. 1 and 2), the 1933 League of Nations International Convention for the Suppression of the Traffic in Women of Full Age eliminated the requirement of the lack of consent altogether (League of Nations, 1933: art. 1). The four pre-WWII treaties were consolidated in 1949 by the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which binds its signatories to punish any persons who, 'to gratify the passions of another: 1. procures, entices or leads away, for the purposes of prostitution, another person, even with the consent of that person; 2. exploits the prostitution of another person, even with the consent of that person' (United Nations, 1950a: art. 1). The 1950 Convention retained the state obligations for surveillance of ports, airports, railway stations and routes where the principals, accomplices, or victims (immigrants or emigrants, women or children) of trafficking may be detected by the authorities, and also the earlier provisions for the repatriation of the victims. Obviously, the Convention does not criminalise prostitution itself; but by criminalising all the third parties involved and by the adoption of other measures, it instituted a web of prohibitions which can certainly be regarded as a vindication of the abolitionist movement of the earlier 20th century (see Marcovich, n.d).⁶

The re-emergence of the trafficking discourse

A century later, one finds that the story of the 2000 Palermo Protocol can and is often written in the light of the modern feminist anti-trafficking campaigns and the (different) positions each of the participating groups take on the issues of prostitution and trafficking (Doezema, 2002; 2005; Dottridge, 2007; Gallagher, 2001; Pickup, 1998; Sanghera, 2005). These campaigns, of course, unfold within an international institutional environment that is quite different from that of the late 19th–early 20th century, and features unprecedented levels of international organisation, illustrated by the number of global and regional bodies, such as the UN, the Council of Europe, special organisations such as the

6 I note that I do not consider here the 1979 UN *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). Even though its Article 6 calls for all signatories to 'take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women', it does not provide any definitions, nor does it elaborate on the nature of the 'appropriate' measures. It is unclear whether this provision has been informed by abolitionist positions, however, given the scope of CEDAW, it is doubtful whether the 'appropriate' measures would include the criminalisation of prostitution itself. The ambiguity of the matter is noted sharply by Toepfer and Wells (1994: 101). Nevertheless, CEDAW established a monitoring Committee which subsequently played a significant role in revitalising interest in the issue of trafficking.

IOM or ILO, or even more special monitoring bodies established by particular international instruments, such as the CEDAW Committee. The development of initiatives for intervention towards problems of international importance takes place in a much more formalised framework of inter-state relations. Still, as Barbara Sullivan (among many others) notes, '[f]eminists and feminist organisations were particularly involved in discussions about the text of the Trafficking Protocol and had a significant impact on the final form of this document' (2003: 67–68). An examination of the positions taken by those feminist groups provides, therefore, an initial entry point towards understanding how the current regime came about.

I have noted above that the 1949 Convention could be regarded as the vindication of the abolitionist campaigns of the first half of the 20th century, but this is true in a relative sense. Lacking a mechanism for monitoring its implementation, it largely left matters at the discretion of states; in addition, by the time of the conclusion of the subsequent landmark instrument, the Convention on the Elimination of All Forms of Discrimination against Women—CEDAW (1979), only 48 states had become party to the Convention, and a total 71 states by 1996 (United Nations, 1996). Developments in the feminist movement in the third quarter of the 20th century, particularly the emergence of a radical feminist discourse, engendered a new dissatisfaction with the actual situation, and thus can be regarded as a powerful factor contributing to a resurfacing of the issue on the feminist and wider political agenda. In fact, 1979 can be seen as a double landmark as the year of the conclusion of the CEDAW, and also the year of the forceful re-emergence of abolitionism with the publication of Kathleen Barry's *Female Sexual Slavery* (1979).

Barry's book is by any conceivable measure a landmark, being not only a point of reference for the new abolitionist movement, but also the obvious target for other quarters of the feminist movement that take different positions on the issues it raises. The argument of the book is underpinned by an understanding of male power as domination which can be exercised on individual basis, as control by a man of a woman, or collectively, as control enforced and sanctioned by institutionalised forms of male domination over women—a situation which Barry calls 'sex colonisation' (Barry, 1979: 194). The book does contain powerful testimonies of sexual violence, coercion and deprivation of personal freedom, yet these are treated as instances of a more immediate situation of 'sex terrorism'; the above framework allows Barry to extend the circle of slavery-like practices almost infinitely:

female sexual slavery is present in all situations where women or girls cannot change the immediate conditions of their existence; where regardless of how they got into those conditions they cannot get out; and where they are

subject to sexual violence and exploitation (Barry, 1979: 40, emphasis in original)

Along the above lines, Barry's book defined a research programme aiming to uncover the experiences, on one hand, of survivors, or 'rescued' women, and, on the other hand, the role of male buyers in perpetuating the phenomenon by creating demand. As new forms of sexual exploitation, such as sex tourism or mail-order brides, also emerged in the 1980s and the 1990s, the radical approach also defined a new abolitionist political agenda featuring heavily the question of the penalisation of those who buy commercial sex (Jeffreys, 1997; Kappeler, 1990). Barry herself founded in 1988 a new and highly influential transnational non-governmental organisation, the Coalition Against Trafficking in Women (CATW), which advocated the idea of a new international convention against sexual exploitation and the expansion of the sex industry at an international level (Marcovich, n.d; UNESCO and CATW, 1992).⁷ CATW's ongoing campaign had a direct import on the negotiations of the Palermo Protocol.

Albeit influential, the neoabolitionist, radical feminist discourse sat uneasy with other quarters of the feminist movement, feminist (and other) sociologists and, naturally, the international movement of sex workers themselves, who understand prostitution as (legitimate) work (Carmen and Moody, 1985; Chapkis, 1997; Delacoste and Alexander, 1987; Jasmin, 1993; Truong, 1990). This is quite a diverse camp, but it gravitates around the line of pushing the debate towards a conceptualisation of prostitution as an economic activity and the consideration of the concrete economic and other conditions prostitutes face as workers. According to this view, while these conditions do not differ significantly from those of other low-status workers with regard to wages, health and safety, relations with employers and clients, especially in the informal sector, criminalisation and repressive state intervention make worse a situation already defined negatively by representations of prostitutes as diseased, immoral and so on. These, as Bindman and Doezema (1997) note, 'allow police and other officials to harass them without ever intervening to uphold their most elementary rights'.

The pivotal point of contention with the abolitionist discourse on female slavery and trafficking is that the latter leads to a distorted representation of the conditions prevailing in the sex industry and of the position of sex workers themselves. The latter, given the di-

7 This programme bore fruits in Sweden, where the feminist campaign achieved the criminalisation of the purchase of sexual services by Sweden's 1999 Violence against Women Act. The Swedish experience serves already as a precedent for feminist campaigns elsewhere, including, as we shall see, Greece. However, the measure should not be regarded as an instance of piecemeal legislation, but rather as part of a different model which enjoys support by the public and the wider social conditions in this Scandinavian country (Bindel and Kelly, 2003).

versity of sexual services and the occupational differentiation within the sex industry, may find themselves possessing much greater margins of freedom and self-determination than the radicals assume (Bindman and Doezeema, 1997; O'Connell Davidson, 1998).

It is not surprising then that the course towards the negotiation of the UN Trafficking Protocol involved a marked, bitter (see Doezeema, 2001) split between the two camps. In correspondence to CATW's transnational organisation, present at the works of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime in the second half of 2000 in Vienna as part of the International Human Rights Network (Raymond, 2002: 494), groups adopting a rights-based, 'sex-work' strategy were organised as the Human Rights Caucus.⁸ 'Sex-work' strategies, nevertheless, should not be seen as entirely homogeneous. Some quarters argue straightforwardly that decriminalisation or legalisation of prostitution and sex work as well as the extension of human, civil, and occupational/worker's rights to sex workers is a path which has the potential to combat exploitative abuse, forced labour and slavery-like practices (such as debt bondage) in prostitution and the sex industry in general. A more moderate path is the emphasis on the distinction between 'voluntary' prostitution/sex work and forced prostitution/trafficking, which calls for more support to sex workers on one hand, and an explicitly human rights approach for help and assistance to victims of trafficking on the other. This position has been taken by the Global Alliance Against Trafficking in Women (GAATW), a member of the Human Rights Caucus, which was formed in 1994 and had previously successfully fended off CATW's lobbying for a new Convention against All Forms of Sexual Exploitation at the Fourth World Women's Conference in 1995 (Raymond, 1998). As Barbara Sullivan (2003) notes, GAATW's position was informed by a wider definition of trafficking considering the element of violence, abuse or coercion as applicable to a wider array of forced labour, and therefore avoided the notion of prostitution as the (only) site of trafficking. The distinction between free and forced prostitution in a way that disassociates it with trafficking was elaborated in an important work carried out under the auspices of GAATW and the Dutch Foundation Against Trafficking in Women (see Wijers and Lap-Chew, 1997: 45).

Almost a century after the emergence of the old trafficking regime, 'organised womanhood' was once again actively present in the negotiations of the document that consolidates the general lines of the new anti-trafficking regime. The exchange of positions, the micro-politics and divisions of civil society actors are part of live history and surely account for much of what did emerge as the content or the wording of the 2000 UN

⁸ See Doezeema (2001: n.1) for a list of the membership of this transnational coalition.

Trafficking Protocol. Nevertheless, one detail that often seems to escape the lengthy discussion of what has been accomplished by this process is the very obvious fact that the Protocol *is*, after all, the supplementary protocol to the UN Convention about *Transnational Organised Crime*. And it is the main body of the Convention that provides, I think, the measure of what has and what has not been accomplished by these campaigns.

The anti-trafficking regime, transnational actors and ideology

What was then the outcome of the latest anti-trafficking campaign of the 20th century? All sides involved in the process do applaud the fact that the 2000 UN Protocol, which was signed by 80 out of the 121 signatories of the UN Convention Against Transnational Organised Crime, included a definition of trafficking:

(For the purposes of this Protocol:)

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; (United Nations, 2000b)

It appears that the long and winding wording of the definition, extending *in all three paragraphs of the article*, captures quite accurately the equally long and difficult negotiation that took place at the works of the Ad Hoc Committee in Vienna. We now possess sufficient information about this process, including first-hand accounts of activists who participated in it, and who, subsequently, reflected openly on what was exactly achieved (see, e.g., Ditmore and Wijers, 2003; Doezeema, 2005; Raymond, 2002). As the records of the process from both sides show, the subtext of the Vienna process was, in fact, a 'key battle' (Raymond, 2002: 497) over the lines along which prostitution, and not the position of any trafficked person, should be conceptualised, and it is exactly the uncertain

result of this battle that is captured in the final outcome of the Protocol's definition. That for the International Human Rights Network and CATW this was clearly the case, it is apparent in the analyses that appeared in the morrow of the Convention that understand the Protocol as action towards the suppression of transnational prostitution. Janice Raymond, expounding CATW's approach, has justified the very need for a new trafficking convention on the grounds of the 'new and pernicious' forms of trafficking 'such as trafficking in women and children for mail order bride industries and for sex tourism' and 'the millions of women and children trafficked into the sex industry' including many women who end up being sexually exploited while being trafficked for domestic labour (2002: 492–493). Thus CATW and its allies centred their efforts to the question of consent, as a fundamental element of the definition of the position of the trafficked person as victim. According to Raymond's analysis, had the Protocol not made consent irrelevant for affirming that trafficking has occurred, it would have resulted to a perpetuation of situations where the victim could not prove the element of force or coercion, and therefore be protected, or conversely, where convictions against traffickers could not be secured for the same reason. CATW's position was therefore unambiguously informed by an idea of sex trafficking as the exemplar of trafficking. In the light of Raymond's insistence on the issue of irrelevance of consent as part of the full definition of trafficking, and the question of the abuse of the victim's vulnerability beyond force or coercion, it is also evident that what underlies this position is the abolitionist idea that a woman's consent to prostitution is meaningless (Raymond, 2002: 497–498).

That the definition of trafficking proved the main battleground for the two lobbying groups at Vienna was not inconsequential, because it is clear that the goal that could potentially unify them could not be served by the conceptual welding of prostitution to trafficking. The association of trafficking and prostitution opens up a path for the assessment of the trafficked person's position on the same moral grounds by which prostitution is assessed, whereas the issue at stake, from the lobbying groups' viewpoint, even though each derived it from different starting positions, was clearly the articulation of a framework oriented towards the protection and legal empowerment of that person. Wijers and Lap-Chew's report, having arrived at definitions dissociating trafficking and prostitution on the basis of subsuming the latter under the general category of forced labour, made a very lucid assessment of the implications of the different strategies that the feminist movement could adopt and had very lucidly explained the possibility that the real difficulty involved in the conjuncture of the late 1990s could be the entrapment of the question of sex trafficking in the articulation of repressive strategies that targeted different

problems:

Precisely the fact the trafficking in women is related to so many other areas and (State) interests means that each proposed solution needs to be carefully examined in terms of which problem and, above all, whose problem it aims to solve, whose interests it serves and what the effects on the women concerned will be. Does a given strategy address the problems of the women concerned or the problems of the State? Will it help to prevent and combat abuse and violence or does it in fact target another problem? Will it improve conditions for the women involved or will it make their situation worse? (Wijers and Lap-Chew, 1997: 189)

Wijers and Lap-Chew's assessment proved to be remarkably accurate. At Vienna, the essential outcome of the battle was not, after all, determined by the efforts of the lobbying groups. Rather, their differences of position fed a process, reinforced or moderated it, of which they were not the main elements, and whose direction, therefore, was primarily determined by forces outside the Vienna process itself.

As Dittmore and Wijers (2003) note, the setting of the negotiation involved the lobbying of a predominantly male body of state representatives by women's groups. Even though the gendered dimension created presumably a peculiar circumstance where males were morally on the defensive having to discuss prostitution, the decisive circumstance in the final instance was that, as many government delegates came from a law enforcement background lacking training in human rights issues, 'a great number of them did not even see the connection between combating the crime of trafficking and the need to provide assistance to trafficked persons and protect their rights' (2003: 85). The professional provenance of these state representatives did appear, therefore, as an additional factor complicating a negotiation during which states were at any rate predisposed not to commit themselves over a range of issues that lay beyond the law enforcement objectives of the new Convention. In short, not only delegates were not keen to commit their governments to definite arrangements for the protection of foreign nationals, but were additionally inclined to regard the trafficked victims as instrumental to the needs of law enforcement and prosecution (Dittmore and Wijers, 2003: 85). The battles over the definition provided therefore an opportunity for the development of the repressive aspects of the Protocol as a concretisation of the Convention's main body, rather than lay down a series of measures for the strengthening of the victims' position, a consideration which ultimately proved of secondary importance.

It should be fairly evident that my review of the Vienna process sides with the general positions of the Human Rights Caucus, which does, overall, apply the correct distinctions on the issue of trafficking, a characteristic which has been undoubtedly reinforced

by the involvement of the sex workers movement in the formation of those positions;⁹ 'correct', to the extent that they approach the root of the matter on the basis of labour exploitation, and thus understand trafficking as a problem of economic exploitation of migrant labour. Nevertheless, a sober assessment of the UN TOC Convention and Protocols process must take distance from both camps. On one hand, the abolitionist position, by relaying the contradictions of the ideological premises of the earlier campaign (see Rosen, 1983: 62), fails to acknowledge the very nature of the transformations of sex industry it seeks to combat, since the contemporary real expansion of the industry denotes a qualitative change in the real conditions of existence of the circuits of exploitation surrounding sex work. On the other hand, the Caucus's positions appeared to be informed by an ideology of human rights, both in the sense that it essentially defends abstract freedom of choice by the individuals involved, and in that it denotes a belief that an investment to a legal form to a human being 'as such' can prevent the excess of power leading to abuse. Not coincidentally, such an approach returns to the same logic by which abolitionists, who, after all, use the same language of human rights, justify the politics of rescue (Soderlund, 2005), and is therefore inscribed in the same ideological vicious circle which Jacques Rancière has so lucidly outlined:

if those who suffer inhuman repression are unable to enact the human rights that are their last recourse, then somebody else has to inherit their rights in order to enact them in their place. This is what is called the 'right to humanitarian interference'—a right that some nations assume to the supposed benefit of victimised populations, and very often against the humanitarian organisations themselves. The 'right to humanitarian interference' might be described as a sort of 'return to sender': the disused rights that had been sent to the rightless are sent back to the senders (Rancière, 2004, quoted in Žižek, 2005: 127–128).

Contours of the new regime (or, sex work as the weakest link of international migration?)

Both the trafficking and the smuggling protocols of the UN Convention (2000a; 2000b) should be seen as complementing each other, as in the final instance systematise a distinction that applies from a legal viewpoint to the one and the same social phenomenon, 'irregular' migration (Beare, 1999; Salt and Hogarth, 2000: 18). Furthermore, both should

⁹ It should be noted, however, that activists from within the sex workers movement do differentiate their position from those of the Caucus in general, by expressing a profound scepticism, not so much with regard to the substance, but rather with the practical implications of the distinction between 'voluntary' and 'forced' prostitution (Bindman and Doezema, 1997; Doezema, 1998).

be taken to be exactly what they declare to be, that is, *supplements* to the main body of the UN Convention against Transnational Organised Crime, which lays down particular criteria for the legislation against organised crime, as well as particular strategies for the investigation and suppression of organised crime and the perpetrators associated with it, such as measures to combat money laundering and corruption, extradition and mutual legal assistance, joint investigations, controlled deliveries and so on. Concretised by the provisions of the Protocols, the Convention constitutes a systematic attempt of states to *aggressively regulate migration* by the articulation at the international level of a wide range of repressive measures: this is the pivotal characteristic that sets the new regime apart from the previous framework of 'white slavery' suppression. A few important observations are due here.

While, as Doezenia (2000: 39) argues, the 'white slavery' panic could be associated with the increase in international migrations in the second half of the 19th century and up to the outbreak of WWI, the original focus of the anti-trafficking regime, as it emerges from the content of the instruments that preceded the 2000 Protocol, primarily resulted from the moral and cultural anxieties—fears of growing women's emancipation, breakdown of the family and so on—condensed in the discourses that sustained the campaigns to erect it. Although modern anti-trafficking campaigns, especially of the neoabolitionist flavour, systematically take recourse to the same binary imagery of the 'innocent victim' and of the 'evil' trafficker, it is nevertheless clear that the process leading up to the 2000 UN Conventions has been primarily motored by considerations of the targeted activities as *economically* motivated, as components of a criminal, 'underground' economy.

It would not be inaccurate to say that the regulatory horizon of the new anti-trafficking regime includes the (unanticipated) consequences of the early campaigns, which as Rosen comments, 'drove the Social Evil underground, where it became more closely yoked to liquor, drugs, theft, and increased violence' (Rosen, 1983: 169). Gilfoyle's (1992; 1987) historical investigations of 19th century prostitution in New York revealed a highly visible, commercialised and diversified prostitution sector, which was a definite 'fact of everyday urban life and also a fixture of popular culture' (Gilfoyle, 1992: 157). The turn-of-the-century abolitionist campaigns violently interrupted this process, and also led to a new organisational structure of prostitution itself adapted to the underworld it was driven.

Gilfoyle's study is perhaps unique exactly for the emphasis it pays to the examination of the degree of integration of the prostitution sector to the economic, social and political structure of the American metropolis. Commerce, exchange and consumption of sexual

activities, not only intercourse, but also pornography, striptease, and other forms of erotic entertainment, were integrated with the growing leisure and entertainment economy, and, by doing so, interacted with the economies of urban space and real estate. In Broadway's entertainment district, the sex district formed part of a wider area of 'large department stores, new theatres, expensive restaurants...significant amounts of private capital were invested in the neighbourhood, epitomised by 'monster' hotels like the St. Nicholas, New York's first 'million dollar' building' (Gilfoyle, 1992: 120). Prostitution was nothing short of 'a multimillion-dollar business' (125), upon which an entire edifice of social attitudes, business and regulatory behaviours were built, both as symbiotic and, as the subsequent social purity campaigns show, as oppositional relations.

The point should not be missed. While many studies of contemporary prostitution, regardless of viewpoint and locale, focus on it as economic activity at the margins of society (e.g., Carmen and Moody, 1985; Hatzi, 1980; Høigård and Finstad, 1992), a recent wave of studies firmly situate the question of commercial sex in a political economy framework. Truong's study (1990) examined the historical background of prostitution in Thailand and by an analysis of Vietnam War-era prostitution and the emergence of sex tourism in subsequent years developed the concept of 'sexual labour' within capitalist conditions of exploitation. Similarly, White's study (1990) of prostitution in a colonial setting, Kenya, situates particular forms of prostitution as forms of waged labour emerging within the political economy relations of urban environment and rural development; as White asserts,

[p]rostitution is a capitalist social relationship not because capitalism causes prostitution by commoditising sexual relations, but because wage labour is a unique feature of capitalism: capitalism commoditised labour (White, 1990: 11).

The idea that when the provision of sexual services crosses a certain organisational threshold, it can be regarded as a distinctive business sector integrated with the economic, social and political life of a country, and thus contributing significantly to employment, national income and economic growth informs Lin Lean Lim's landmark collection of studies of prostitution in four Southeast Asian countries (1998). The complex, diversified, and highly profitable organisational structures of the sex industry involve strong vested interests, that translate into a system of complex relations with institutions and politics, all the more because much of the sex industry develops in the shadow economy. The studies make clear that although forms of independent sex work, such as streetwalking or occasional pickups of clients, certainly exist, the growth of the sex industry in-

volves, by and large, capitalistic forms of labour exploitation, such as employment of sex workers as 'guest relations officers' in Malaysia on a daily wage plus commission on drinks (Nagaraij and Yahya, 1998: 75).

An even stronger case for the idea of a sex industry which is not only capitalistically organised, but also inherently connected with social and ideological processes induced by the levels of the development of capitalism in the West, has been made by the late Ian Taylor and Ruth Jamieson (1999). Their analysis approaches the question of trafficking in the context of a political economy which produces escalating numbers of migrant workers as a function of specific economic conditions in the poorer countries, corresponding to an expansion of demand for their services as a function of economic and social processes in the developed countries. Using the rise of the porn industry as an example, which they understand as related with a process of liberalisation of sexual representation in mainstream culture, this analysis poses openly the question of the extent to which 'typical entrepreneurship at the very cutting edge of the culture industry in liberalised, market societies' (1999: 274) generates a (legitimate) labour market for women, and also very elegantly raises the issue of what could be described, if my understanding is correct, as 'demand amplification' induced by the forms of representation of sexuality and sexual desire in contemporary culture.

The above analytical lines obviously allow the question of sex work to be situated within the situation of labour and the general dynamics of labour migration under imperialism.

Firstly, the existence of a developed and diversified sex industry suggests that a problematic about the economic nature of prostitution and the class determination of prostitutes found in the classical Marxist works, beyond its metaphorical use by Marx himself as commodification of the body in the early *Economic and Philosophical Manuscripts* of 1844, and Engels's understanding of prostitution as a necessary form of gendered relations of domination and subordination in (any) class society (Engels, 1978: 82, 87),¹⁰ should be reconsidered, even if we suppose that Marx did present a clear thesis that prostitutes were part of the lumpenproletariat. The passages in the *18th Brumaire* where lumpenproletariat is mentioned to denote a specifically a parasitic underclass of 'paupers, vagabonds, criminals and prostitutes' (1978: 131), and not as a cue for a general notion of parasitism, do not in fact settle the matter from the viewpoint of the working prostitutes.

10 Again, supposing that Engels considers prostitution from the viewpoint of the economic class determination of prostitutes—a problematic which does not seem to me as present in the analyses of family in the *Origins*.

A population that comes from the degeneration of the peasant class and lives at the margins of existence either in the countryside or in their mobility between countryside and town are also placed in the same plane (Marx, 1978). Marx and Engels are more definite about the role of a criminal underclass¹¹ organised by and dependent on agents of the state as an *agent provocateur* for disorder in the service of the interests of the ruling class (see Draper, 1972). Rather, the matter should be considered in the light of Marx's writings that do bear on the economic determination of the working class, as the class from whose labour surplus value is extracted within a capitalistically organised production process. As Marjolein van der Veen (2001) argues, the economic nature of sex work as a service should be considered in the light of the process by which this service is produced, and therefore the economic class determination of sex workers as part of the working class depends on whether their labour-power is exchanged for capital.¹²

Contemporary investigations of the social organisation of the sex industry (Bernstein, 2007; Chapkis, 1997; O'Connell Davidson, 1998; Sanders, 2005) have revealed the diversity of the forms the provision of sexual services may take. They may indeed occur in slavery-like conditions, where the appropriator is in forcible control of both the sex worker's body as such, and of the forms of any uses of it in the provision of the service to clients, just as they may occur as independent provision of sexual services, which, understood as independent commodity production, sets the sex worker/entrepreneur quite apart from third party-controlled prostitution (O'Connell Davidson, 1998; van der Veen, 2001). Obviously, the expansion of a sex industry beyond a certain threshold does not only correspond to cultural processes, as Taylor and Jamieson have pointed out, that bear upon the representation of sexuality and desire. It goes down to the very root logic of capitalist industry expansion (Marx, 1990: 1035–1036), which corresponds to a search for profit extraction by a process of progressive commodification of all social life. The combination would point to a generalisation of the capitalist produc-

11 'Decayed roués with dubious means of subsistence and of dubious origin, ruined and adventurous offshoots of the bourgeoisie, rubbed shoulders with vagabonds, discharged soldiers, discharged jailbirds, escaped galley slaves, swindlers, mountebanks, *lazzaroni*, pickpockets, tricksters, gamblers, *maquereaux* [procurers], brothel keepers, porters, literati, organ-grinders, ragpickers, knife grinders, tinkers, beggars—in short, the whole of the nebulous, disintegrated mass, scattered hither and thither, which the French call *la bohème*' (Marx, 1978: 73).

12 'An entrepreneur of theatres, concerts, brothels, etc., buys the temporary disposal over the labour-power of the actors, musicians, prostitutes, etc....the sale of these to the public provides him with wages and profit. And these services which he has thus bought enable him to buy them again; that is to say, they themselves renew the fund from which they are paid for...In short, the production of these services can be in part subsumed under capital, just as part of the labour which embodies itself in useful things is bought directly by revenue and is not subsumed under capitalist production' (Marx, 2000: 166–167)

tion process in the provision of sexual services. This is evident especially in the light of the contemporary expansion of the tourism and leisure industry as a terrain for capital investment, where prostitution itself becomes a source of capital accumulation (van der Veen, 2000: 127).

The process of the emergence of the sex industry as a particular sector of a *national economy* deserves particular attention, not only because, by subsuming pre-existing forms of sex work under capital, it subsequently offers a viable outlet for the employment of even more workers, but also because it involves moments of primitive accumulation, as it were, that bear a direct impact exactly on the conditions under which the labour force is attracted and employed in the industry. This poses immediately the question of the state's role in the regulation of these circuits of capital accumulation. On one hand, one must take account of existing prohibitions on the sex industry that place much of this activity in the so-called informal, or underground economy. Earlier studies of the informal economy describe it as unregulated income-generating entrepreneurial activities which take place 'in a legal and social environment in which similar activities are regulated' (Castells and Portes, 1989: 12). This definition tends to disassociate criminal economic activities, which are illicit as such, from the informal sector, but as R. T. Naylor (2005) explains, both the informal and the criminal sector can be placed under the general label of the underground economy, since they both involve income generating activities through networks of black markets that trade either in licit goods in illicit ways or in outright illicit goods. The case of prostitution presents certain particularities, because, unlike other illicit markets, where it is regulated, it is not an illicit service as such, but rather involves a range of criminalised activities that enter its social organisation, and, of course, an entire range of sexual services beyond intercourse maybe legitimate. Nevertheless, because the sex industry occupies as a rule a grey area of economic activity, it also shares the underground economy's characteristics with regard to the status of labour and conditions of work, such as a reliance on black (undeclared) labour, lack of social benefits, payment under the minimum wage, disregard for health and safety by the management, and, not least, overexploitation of the workforce.

The essential point of conceptualising the sex sector as a component of the informal sector is that it immediately establishes a connection of this particular industry with the structures and modalities of national economic development, and therefore with the state's role in regulating the economy overall. In so far as the emergence of the informal economy is understood as a structural adaptation of the formal economy to a situation of crisis, particularly of the need to increase competitiveness by suppressing labour costs—a

structural need which Castells and Portes situate in the context of the 1970s crises (1989: 27). On the other hand, if the contemporary sex industry is conceptualised as a new emerging capital, evidently the question of its regulation can only be posed as a matter of the national state, as the mode of regulation effected by the state will be a correlate of the extent to which existing particular capitalist interests are vested in the state, and in so far as the question involves *labour* in general, the mode of regulation will reflect the balance of social forces entering the function of the state apparatuses and the interests of the ruling bloc in particular.

While the regulation of the labour market, and with it, the regulation of labour in the sex industry is a matter which appears to be strategically reserved for the management of the national economy, hence of the the national state, it is nevertheless evident that the interests of states are polarised on the question of the regulation of migration, the international mobility of labour, leaving a considerable margin for international regulation.

While cross-border population movements do not involve exclusively working class mobility (Castles and Miller, 2003; IOM, 2005), or economic considerations at all, as it is evident in the case of refugees and asylum seekers (Castles, 2002), it is nevertheless clear that they are disproportionately polarised on the side of low-skilled and unskilled labour. On the basis of this characteristic, migration can be understood as structurally welded to the interconnection of national economies and the operation of capitalism at world scale. From a structural viewpoint, the historical ebb and flow of national regulatory regimes on migration between permissiveness and restrictiveness correspond to the patterns of the use and control of labour in the different regions of the international economy, or more precisely to the cleavages between social formations in the imperialist chain. Thus the current period of curbing government-organised migration and raising more legal—in some cases, real—barriers to immigration in Western Europe and North America had been preceded by a period of large-scale migration inflows, both regulated under temporary 'guest-worker' schemes and spontaneous/ clandestine, which have been instrumental to post-WWII reconstruction and fast expansion of production (Castles and Miller, 2003; Portes and Rumbaut, 1997). A range of factors has influenced the changes in the regimes for migration in the highly developed countries: the global economic restructuring that has occurred after the crises of the 1970s has brought about significant changes in the mode of development and the labour markets of those countries which, in the light of the permanence of migrant populations, have propelled the emergence of immigration and immigration control as important issues in the political agenda (Albrecht, 2002).

Migratory flows as a fact are not a simple question of supply and demand, hence cannot be conceived simply as the result of an assortment of 'push' and 'pull' factors. Rather, under capitalism, the logic of population movements is dictated by capital accumulation itself, and the search for higher profits. In the developed countries, the defence of the rate of profit leads either in a drive towards the increase of the productivity of labour, or relies in the supply of low cost labour: in the second case, immigrants are at all times a solution to a problem, not only because their presence addresses a relative scarcity in the low-skill and less socially valued segments of the labour market, but also because it results to the creation of an employable (and disposable) surplus population (the reserve army: Marx, 1990: 784ff) that regulates the price of labour throughout the economy (not only agriculture and industry, but also in services, see, e.g., Ritzer, 1996). In fact, because migrants are a new and foreign group, whose presence is marked by discriminations of political and ideological nature, they are also more easily controllable as a workforce and 'subject to threats and repression by employers and the state' (Portes, 1978: 474).

On the other hand, migratory movements are engendered by the progressive capitalisation of the countries of the periphery, which, as we have seen, is generally reinforced by the export of capital from the capitalist metropolises. With the more intensive induction of capitalist forms of economic organisation also impinging upon the structures of precapitalist sectors such as traditional agriculture in the countryside, the result is more directly the formation of a surplus population, which Marx has understood as the *floating* or *stagnant* section of the reserve army (Marx, 1990: 795–796), which cannot be easily or regularly absorbed by the productive structures of the economy. While the existence of this population gives rise to a series of distinctive structural characteristics of the social formations of the periphery, among others the hypertrophy of public employment and of the bureaucracy (Amin, 1976), the floating and stagnant surpluses become available in the international labour market as a replenishment of the labour reservoir of the developed countries (Bukharin, 1972; History Task Force, 1979). Additionally, given the above conditions, emigration from the dependent formation is also understood as functional to the interests of the ruling classes, since on one hand, it defuses the political pressures created by chronic underemployment and unemployment, growing inequalities and deteriorating standards of living for large sections of the population (Portes, 1978: 477). In her study of Dominican emigration to the United States Ramona Hernández (2002) explicitly argues that emigration can also be understood as a political project undertaken by Balaguer's presidency. On the other hand, migrant populations strengthen the sending country's fiscal position through remittances of hard currency.

While these structural pressures result to unabated migratory flows, the restructuring of the economy along neoliberal lines that stress competitiveness and favour growth through deregulation and increased labour productivity, has resulted in a wholesale deterioration of the migrant workforce. As Kwong put it in his examination of Chinese migrant smuggling and trafficking in the United States:

immigrant labour is...better, not only because it is not organised but also because it is less protected. Following this logic, undocumented labour is the best: entirely unregulated and thus the most productive. If we push this logic one more step, then the most productive labour would be the unfree undocumented immigrant labour. Therefore, their unchecked entry into the country in such large numbers is in the spirit of the current American economic philosophy (Kwong, 2001)

Hence the existence of an already institutionalised system of migration controls which, from the viewpoint of the migrants presents a difficulty and must be overcome, gives much scope for the development of entrepreneurial activities that specialise in migration itself. In the light of the structural determinants of international labour mobility as discussed above, it is evident that the exact legal regime pertaining to migration *as a fact* is of secondary importance, and can equally give rise to perfectly legitimate as well as illegal modes of migration facilitation. In an important article that appeared as the debates on illegal migration and trafficking were escalating in the mid-1990s, Salt and Stein fully situated the question, by conceptualising the process of migration itself as a potentially entrepreneurial activity emerging from 'institutionalised networks with complex profit and loss accounts, including a set of institutions, agents and individuals, each of which stands to make a commercial gain' (Salt and Stein, 1997: 468). The business model is compelling, because as Salt and Stein explain, there are already legitimate enterprises that mediate legitimate crossborder movements (the 'brain transfers'), such as the movement of corporate professional, managerial and technical staff, consultants and project managers, academics, students, military personnel (as well as the family members of such individuals) to locations worldwide (for such categories see also Salt, 1997: 7). In these cases, the business of migration involves a set of legal, relocation, counselling and advice institutions, and it is also hugely profitable—Salt and Stein note that transnational corporations in the UK alone were spending at the time about £4.2 billion a year for moving highly skilled staff (Salt and Stein, 1997: 469). Evidently, particular modes of regulation of international movement, which correspond to the different categories of people on the move become important because they create business niches, and illegal migration is, in fact, such a business niche and its scope, as in the legitimate side, is to settle migrants 'in

place': in other words, the business of trafficking in Salt and Stein's model involves planning the movements, information gathering, finance and a set of specific technical and operational tasks, a process by which migrants are at minimum brought from the origin to destination countries, but they can also be inserted into some element of the labour market at the point of arrival (Salt and Stein, 1997: 477). At all these stages, the process may involve shifts between legality and illegality, for example, the individual may hold legal documents, including a short-term visa, or transportation itself may be accomplished by legal means and so on. But in the final instance, as the individual's illegal status in the destination country embathes the whole process in illegality, a migrant's work trajectory is also likely to begin in the unregulated sectors of the labour market—the informal sector (see also Castles and Miller, 2003: 179–182). The Protocols intercept exactly this process under the guise of organised crime control, a notion which, as we shall see, is not without important implications.

In this light, while Ditmore and Wijers underline that migration is actually the heart of international traffic in persons, as trafficked persons are usually undocumented migrants seeking work elsewhere who find themselves in untenable working conditions, the distinction they make (and which the Protocols formalise in legal terms) between smuggling as related to clandestine cross-border movements, and trafficking as aiming to the exploitation of an individual's work is, in fact, a distinction that by and large may applies to the different phases of a single social process (Ditmore and Wijers, 2003: 80). But their criticism of the dynamics of the negotiation process at Vienna is correct: in so far as what both Protocols target is exactly the international mobility of labour, the retention of sex work and exploitation of prostitution in their phraseology retains an emotive theme on the basis of which particular campaigns aiming to intercept, control and subordinate migrant labour can be articulated, popularised and implemented.

Implications: diffusion and enforcement of the regime

The preceding analyses, by situating the questions of sex work and labour migration within the wider dynamics of contemporary imperialism, also allow a more concrete appreciation of the characteristics of the new anti-trafficking regime, on the basis of which it will be possible to outline the general-global dynamics entering the emergence of the Mirage Operations as a regional-local event.

Arguably, and as Ditmore and Wijers also suggest (2003), it is possible to discern three particular layers of regulatory arrangements in the trafficking Protocol, and also in

the Protocol against the smuggling of migrants, which, if my analyses are admitted, it should be understood as organically complementing the former. The first layer involves prostitution itself, or rather, the sex industry in its entirety, which is left in the regulatory discretion of the individual states. This is because the introduction of the Protocol firstly fails to resolve the question of the 'exploitation of the prostitution of others' (the terms of the 1949 Convention) on the basis of certain criteria defining the general idea that a third person profits from the income earned from acts of prostitution; secondly, it also adds 'other forms of sexual exploitation', which, while possessing a quite unambiguous meaning from an abolitionist perspective, essentially adds to the ambiguity of the definition of trafficking *as* exploitation, unless, of course, one accepts that all sex work is exploitative as such. As the *travaux préparatoires* of the Protocol clarify that the definition 'is therefore without prejudice to how States Parties address prostitution in their respective domestic laws' (United Nations, 2000c: 12 (64)), and the different sections of the anti-trafficking campaign stand in complete disagreement (Ditmore and Wijers, 2003; Raymond, 2002) on exactly the question of prostitution, it is evident the the critical battles for activist organisations are deferred to the particular national contexts.

The second layer involves migrants, and rests upon a series of distinctions which, overall, compromise the effort to prevent and detect abuses in the migration process, even before one considers the question of their rights vis-à-vis states and their investigative authorities. In principle, the general distinction between smuggling and trafficking, whereby smuggling involves the clandestine crossing of a border with the 'assistance' of an illegal migration entrepreneur whereas trafficking is the exploitation of the migrant's labour, appears to establish a much needed differentiation between the process and the outcome of illegal migration, and is therefore welcome. The problem is that in the absence of additional criteria, especially a temporal one that would permit a more thorough assessment of the outcome of the illegal migration process, the distinction itself, as far as the victim of abuse is concerned, becomes a blurred one. An important 2004 report that examined trafficking in Bangladesh noted exactly that the trafficking paradigm adopted by the UN Convention by focusing more on recruitment, movement and transport of people is deficient as regards the outcome of illegal migration where the crucial site for abuse lies (Bangladesh Thematic Group on Trafficking, 2004: 11). This highlights the point that the UNTOC mechanisms are primarily geared towards interception of illegal migration from a political viewpoint. But it is interesting to note how the additional distinctions involved in the UN instruments create a space where the national law enforcement apparatuses *can alleviate by selective enforcement or underenforcement* the

tensions between the structural determinations of illegal migration as an economic phenomenon, and the political threats migration seem to represent. As Sullivan notes, the two Protocols established a gendered distinction on migration, whereby the smuggling Protocol seems to address voluntary migration undifferentiated on gender, whereas the trafficking Protocol 'pertains to involuntary (mostly female) subjects *as well as* "voluntary" female migrants who work in prostitution or are otherwise subject to (an undefined) "exploitation"' (2003: 83, emphasis in original). In other words, while voluntary migration is 'masculinised', female migration is constructed as subject to a 'passive and overwhelming victimisation'. While the question of the construction of female agency in this context has been discussed thoroughly (Agustín, 2003; 2004; 2006; Doezeema, 2002; Sanghera, 2005), the issue from an enforcement perspective is whether the explicit construction of particular female migrations as victimisation diverts the focus from the many other, real sites of abuse and exploitation in the full breadth of the economy. But obviously, again, this matter can only be effectively investigated in concrete national contexts.

Finally, the third layer involves the exposure of migration to the repressive mechanisms and techniques laid down by both the Protocols and the main body of the Convention. This is indeed a genuine international legal framework, which pertains, however, only to the organisation and interconnections of the repressive apparatuses. The contrast between repressive and empowering strategies is neatly drawn by juxtaposing the thorough layout of mechanisms for criminal justice cooperation and the weak provisions for granting rights and providing assistance to victims (Ditmore and Wijers, 2003; Wijers and van Doorninck, 2002). Additionally, the introduction of these mechanisms on the basis of the idea of organised crime leaves a genuine margin for power politics at the international level, because, as it has been noted already (see p. 81), this is a concept that has been nurtured in a particular theoretical and practical context (Paoli and Fijnaut, 2004; Sheptycki, 2003a). The important aspect here is the practical one, because the measures would seem to require not only a harmonisation of legal apparatuses on this direction, but also the development of *techniques* and *infrastructure* within the national police apparatuses which is vitally dependent on particular foreign power centres.

While the above remarks lay out particular themes which I shall pursue in detail in the examination of the regional and national levels of my case study, they certainly invite a number of reflections on the question of the processes of internationalisation that bear on states and their national police apparatuses. Put differently, these reflections bear upon what the current theory of transnational policing admits at the general level of international relations, namely on the specific effectivity of the international and the pro-

cess of regime formation in transnational policing.

It is firstly possible to reach certain conclusions with regard to what Andreas and Nadelmann (2006) see as the international process of agitation that underlies the erection of regimes. As regards the activity of international NGOs and specialist organisation, the international 'civil society' in general, it is obvious that these organisations do not negotiate with states as equals at the international level. The command of the process is retained by the representatives of states who ultimately make the final decisions as regards the text of the international instruments on the basis of the national interest. A further layer of complexity lies in the course of action a state takes with regard to that instrument, for example whether it may or may not accede to a convention, or whether the process of ratification by the national parliament and thus incorporation in national law is delayed.

While the state defines the rationale, modality and tempo of international action, additional observations can be made about the process by which this definition is achieved. There is little doubt that the organisations participating in campaigns on specific issue-areas are at any rate discrete elements in the conjuncture, a quality that is highlighted by the fact that, when viewed independently, they are constituted upon, and propagate discourses with particular characteristics, e.g. feminist movement, student movement, ecological/green movement and so on, which engender particular practices and therefore effect a change in the field of social relations, the real world. Nevertheless, these practices enter the state machine as class power in the final instance (Althusser, 2006: 124), and, therefore, it is the position these movements occupy in the class struggle that determines the special effectivity of their discourse—that is, the degree to which this discourse is transformed to legitimate rationales for state action. The class position of these movements is a question that requires a prior conceptualisation of the matter on this basis in order to attract specific attention as a research issue, and is one about which only indications are available; Rosen, for example, understands the early progressivist campaign on abolition as a middle class political action (1983: 62), and a similar view emerges from the account of the British campaign.

Walkowitz goes on to wonder:

Why did male and female repealers, who were advocates of personal rights, antistatist in the political ideology, and even knowledgeable of the realities of working-class prostitution permit themselves to be swept up in a movement with such repressive political implications? (Walkowitz, 1982: 248)

The problem with engaging in activism that specifically appeals to the state's repress-

ive capacities prohibitions, is that once this social action has produced its effects by virtue of its correspondence to the interests of the ruling class and has entered the state power-machine, the operative logic of the state, in the case of prohibitions, the operative logic of the repressive apparatus, takes over the process. The state itself acts as the organiser of the inculcation of this discourse both at national level through legislation, and at international level, by means of foreign policy and intervention. As far as state and society relations are concerned, the examination of the process requires an analysis of a concrete conjuncture: for example, analyses of the current dominance of abolitionism in the issue-area of trafficking in the United States tend to stress the significance of a coalition of the religious Right and 'some radical feminists' (Weitzer, 2007: 448),¹³ whose origins can be traced back to the early 1980s and the policies against pornography that emerged from the Meese Commission. In the current conjuncture, Weitzer situates the same coalition among the neoconservative political forces that propelled George W. Bush's ascendancy to US Presidency, and provides a detailed analysis of what he understands as a process of institutionalisation of the abolitionist anti-trafficking paradigm in US legislation and state activity; this analysis illustrates fully the role of the state as organiser: according to Weitzer, the Bush administrations have awarded more than US\$300 million to NGOs involved in fighting trafficking and prostitution in the US and abroad, among them prominent abolitionist and faith-based organisations, and has also funded research by individuals and organisations espousing this particular anti-trafficking paradigm (2007: 459–462; see also Doezeema, 2004; Dottridge, 2007: 18).

While the national aspect is characteristic, and its importance emerges clearly when one considers the divergent positions various states held at the Vienna process, reflecting a different political process, and a conceptualisation of the issue within their particular national context. For example, the Netherlands and Germany refused to adopt the position about prostitution, on grounds that it would be necessary to change their internal legislation—meaning, that an adoption of a position at the international level would upset an already existing status on the issue (Ditmore and Wijers, 2003). But theirs was a passive position, while the US have actively undertaken the role of an active organiser internationally, which correlates with the pursuit of American interests. Equipped with the Trafficking Victims Protection Act of 2000 (TVPA, 2000) even before the conclusion of the Palermo Protocols, the US developed a mechanism for the support of the enforcement of their nationally adopted trafficking paradigm at an international scale, not only by funding organisations and projects, but also by actively mounting political pressure

13 For a powerful investigation of this coalition from a philosophical viewpoint, see Soble (2002).

on other states, by means of the US Department of State Trafficking in Persons Report (US Department of State, 2001; 2002; 2003c; 2004; 2005; 2006; 2007). The TIP report assesses the anti-trafficking efforts of other states by categorising them to four tiers, from Tier 1 (fully compliant with the US' minimum standards) to Tier 3 (not compliant), according to their compliance with US minimum standards (full compliance for Tier 1 to non-compliance for Tier 3 countries). An additional Tier 2 'Watchlist' includes states threatened with demotion to Tier 3. The TIP report has been extensively criticised not only for transparently reflecting wider US foreign policy expediencies in country assessments, but also for its lack of transparency in its data collection methodology. An additional practical implication is that countries or projects that do not comply with US criteria are disqualified from receiving assistance via USAID or other US agencies for economic assistance (Doezema, 2004; Dottridge, 2007; Kempadoo, 2005). The US TIP report clearly promotes the enforcement of the US trafficking paradigm that pays emphasis to arrest, prosecution and conviction counts, but has also served as a tool for wider political pressure; this is an issue on which I will return later in the discussion of particular contexts.

Today, several years after the conclusion of the UNTOC, many activist organisations realise that on the ground, its provisions have resulted in more discrimination and more repression, against sex workers, migrant women and migrants in general. As Dottridge remarks bluntly, 'the anti-trafficking framework has done little good for the trafficked person and great harm to migrants and women in the sex industry' (Dottridge, 2007: 17). In the light of the analyses in this section, it appears that such an outcome was predictable; the remainder of the case study focuses on the task of shedding even more light as to the mechanisms that made such result possible.

Politics and organisation of policing sex trafficking in SE Europe: the SECI Centre

The preceding section has approached the emergence and terms of materialisation of the anti-trafficking regime from a historical viewpoint and at global level. While these analyses have clarified a general context, they are still abstract with regard to the Mirage Operations as a particular event. I now move to a different vantage point and explore how this layer of relations has entered into the latter's emergence at the level of the region of Southeast Europe, where, among more particular social and political processes, also lie the concrete organisational arrangements of SECI, that carried the operations through from a coordinating position.

The acronym SECI (Southeast European Cooperative Initiative) applies both to the Bucharest-based Regional Centre for Combating Transborder Crime, and to the wider political initiative from which the former emerged.¹⁴ SECI was launched in 1996 with the aim to enhance stability and facilitate economic and environmental cooperation in the region, and therefore the idea of developing a framework for police and customs cooperation among its participating states constitutes only one aspect of its work. Of course, the distinct organisational form the SECI Centre has assumed make it arguably the most tangible result of the political initiative, whereas the latter's other activities overlap to a considerable extent with the activities of other arrangements for collective action by the states of the region and other powerful international actors. At the same time, the importance of this background should not be underestimated. Although the SECI Centre appears as a police and customs cooperative organisation, and presents itself as such, its regulatory regime, structure and characteristics of its work organisation make full sense only in the light, firstly, of the political strategies and wider balance of forces that intersect in the region, and secondly, on the particular conditions which elevated a number of issues, among them human trafficking and illegal migration, to the status of problems to be dealt by the police, and not other mechanisms.

The emergence of SECI: international power struggles over Southeast Europe

The best way to situate the SECI Centre is with a brief reflection on what it refers to in geopolitical terms. 'Southeast Europe' evidently refers to a wider area, which could be immediately associated with 'the Balkans'. Richard Crampton (2002) begins his account of the recent history of the region by considering the difficulty of establishing a precise geographical meaning of the term. The fact remains that the political geography of the region—particularly of those countries which would undoubtedly fall within any definition of the Balkans—has seen dramatic changes since the early 1990s. Since real life moves faster than dictionary definitions are updated, it is more useful to conceptualise Southeast Europe not as a geographical, but as a political term. In this sense it reflects quite accurately the orientation of the new local ruling elites towards integration with the wider international system and western Europe in particular, a project whose materialisation, as the accession of Bulgaria and Romania to the European Union shows, is now in full swing. At the same time, the term reflects the perceptions and strategies of the more

14 In those parts of the text where confusion may arise, I differentiate between the two by referring to the police organisation as 'the SECI Centre', whereas 'SECI' alone refers to the political component.

powerful international actors which have been actively involved in the recent reshuffle of the map with regard to the conditions that would help stabilise and integrate the region within their spheres of interests. Consequently, and for the purposes of my analyses, the term 'Southeast Europe' will refer to the SECI participating states: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Moldova, Romania, Slovenia, the Former Yugoslav Republic of Macedonia (FYROM), and Turkey. The territory of the Federal Republic of Yugoslavia is, of course, also part of Southeast Europe, but its membership to SECI has been defined by the courses of its constituent parts, Serbia and Montenegro. The Federal Republic of Yugoslavia did join SECI in 2000, but as of June 2006 Montenegro and Serbia are two separate independent states. So this choice of definition stresses the political considerations it involves, and also takes into account the membership of these countries in other regional initiatives. It should be noted that in other contexts, such as for the purposes of economic assistance programmes, 'Southeast Europe' would exclude EU member states, including those of the 2004 enlargement.¹⁵

Wider origins

SECI was inaugurated at a meeting of the participating states which took place in Geneva in December 1996. The meeting adopted formally a statement of purpose, reflecting an earlier outline of the initiative's role set out in the 'final points of common US and EU understanding' (see Schifter, 1998), the significance of which will be made clearer as my discussion unfolds. SECI was intended to complement other processes in the region with a view to enhance economic and environmental cooperation. The guiding principle was that any projects of SECI should not compete with the work of other institutions, including particularly the policies and projects of the EU in the region involving regional approach and pre-accession strategy. Vis-à-vis those other initiatives SECI was envisaged as an external third party, which would be informed of the projects developed by the EU, the US and others, but would not have any oversight of them. At the same time, just as the 'final points' clarified, the project was envisaged as an effort of self-help, which was to be sustained primarily by the initiative of the participating states: no *commitments* for financial support were made by either the US or the EU, although these parties and other international financial institutions could participate in selected projects of SECI offering financial or other assistance. With regard to SECI's external representa-

15 See, for example, the website of the European Commission and World Bank's Joint Office for South East Europe (<http://www.secrecon.org>), which coordinates international assistance for reconstruction and development to the countries of the central Balkan belt.

tion, the approach taken was that of appointing a 'high-level' personality, preferably coming from the region. Thus the statement of purpose which was adopted on 6 December 1996 by eleven states (the FR of Yugoslavia was not invited) defined SECI as a forum whose purpose was to facilitate regional understanding and planning and to develop concrete projects to foster cooperation among the countries of the region (including their private sectors) and ultimately the access of Southeast Europe to European integration. The high-level personality eventually named as Coordinator for SECI was the former Austrian vice-chancellor and author Dr. Erhard Busek.

One may already wonder why this particular configuration and arrangements were necessary in SECI's case. Remaining at the level of international politics, it is useful to map the several other efforts towards the creation of frameworks for regional cooperation that were unfolding in the region at the time of SECI's emergence. It can be observed, firstly, that there was already an established formal framework potentially useful for developing cooperation and channelling international assistance in the form of the Conference on Security and Cooperation in Europe (CSCE), the ancestor of what in 1995 became the Organisation for Security and Cooperation in Europe (OSCE).¹⁶ Even among the prolonged crisis and war situations engendered by the dissolution of the old Yugoslavia, and which provided an instance for extensive international intervention by the UN and NATO, OSCE's potential role was affirmed rather than refuted or weakened. Leaving aside for the moment the levels of activity involved at its high diplomacy core, not only the organisation had begun to establish an active presence in the region as early as 1992, but it also appears to have been a preferential tool for the development of mechanisms to monitor the implementation of agreements regarding critical issues and to increase confidence, security and cross-border cooperation in the conflict areas. OSCE explicitly assumed this responsibility with regard, for example, to Bosnia and Herzegovina in 1995 (Dayton Agreement, 1995; OSCE, 1995). It has deployed field missions in each of the western Balkan countries and conflict zones, and has also operated a mission in Moldova since 1993. Apart therefore from the formal facility for cooperation planning which is set up by OSCE's constitutional instruments, the Helsinki Final Act (1975) and the Chapter of Paris (1990), OSCE fields in the region a network of mechanisms for the implementation of projects towards capacity building, including legal and administrative reform and also technical assistance pertaining to policing (OSCE, 2006).

16 For the economy of the text, and where differentiating will not have particular practical significance in the context of the following analyses, I will only be referring to both CSCE and OSCE as OSCE.

The significance of OSCE as a formal framework providing for the development of cooperation in Southeast Europe is also highlighted by the role assigned to it in the context of the European Union's policies towards the region in the 1990s. Today all the countries of the region have entered into or are negotiating some form of association with the EU, and Bulgaria, Romania and Slovenia are already member states, but the situation was much different in the wake of the régime changes in the last decade. On the basis of official EU policy statements one would be tempted to conclude that there had been a uniform and coherent European approach regarding the enlargement towards Eastern Europe, also applicable to the countries of Southeast Europe. In the course of 1992 and 1993 the European Council had laid down the general rules regarding the conditions upon which countries in central and eastern Europe could be accepted as members of the Union, which involved institutional and other reforms 'guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union' (the 'Copenhagen criteria': Council of the European Union, 1993c: 13).

In Southeast Europe, however, the intra-European rivalries arising from the unfolding of strategies to carve spheres of influence had already given rise to a special situation, which is no other than the dissolution of Yugoslavia into a site of acute conflicts and extensive western military intervention (Gowan, 1999b; van der Pijl, 2001). Consequently, not only the role of the US and NATO in handling the crisis was strongly affirmed, but also at the time of the Dayton accords it was impossible for the EU to apply the general principles it had formulated for the enlargement towards the central European former Soviet countries. Essentially, the approach of the EU towards Southeast Europe involved three tiers. Bulgaria and Romania, which were not involved in the conflict had entered into association agreements with the EU as early as 1994, and were, therefore, fast on a pre-accession track in the mid 1990s and after. Secondly, the situation in the former Yugoslav republics, with the exception of Slovenia, was conditioned by the regime imposed by NATO and the UN, practically precluding any direct involvement of the EU. Finally, since Albania and FYROM were viewed, to a certain extent, as risks for destabilisation in the region, and their prospects for EU membership were more distant, different types of cooperation agreements with the EU were deemed necessary in their case (Commission of the European Communities, 1996; 1999).

With the latter distinction on hand, we can take a look at the consecutive initiatives of the EU aiming to enhance stability and develop cooperation in Southeast Europe, if

only as a reminder that SECI *was not one of them*. The first of these, which was initiated by the French Prime Minister Édouard Balladur, led to the May 1994 conference on Pact on Stability in Europe under the auspices of the EU (Council of the European Union, 1993a). The Pact was envisaged as an instrument for preventive diplomacy rather than a means for the resolution of existing conflicts, and was directed particularly to those countries in Eastern Europe which had an immediate prospect of becoming members of the EU (i.e. the central European and Baltic states). Its aim was 'to contribute to stability by averting tension and potential conflicts in Europe, fostering neighbourly relations and encouraging countries to consolidate their borders and to resolve problems of national minorities' (Council of the European Union, 1993b). While the invitation excluded the states which were about to emerge from the conflict in Yugoslavia, it was naturally extended to those Eastern European Countries with which the EU states had already an association under the CSCE/OSCE framework. Practically the Stability Pact reaffirmed the principles and working methods of the OSCE (Council of the European Union, 1994), and, eventually, the round tables that emerged from by this initiative were entirely handed over to OSCE in 1995.

The Balladur plan was nevertheless a prelude to another European initiative, generally known as the 'Royaumont process', this time specifically directed to Southeast Europe. The latter was initiated by France immediately after the conclusion of the Dayton accords in December 1995, and involved the adoption of a declaration on 'stability and good-neighbourly relations' in Southeast Europe by the countries of the region¹⁷ with the addition of the 15 EU member states, Hungary, Turkey, the US and Russia. The Royaumont Declaration provided the basis for a common platform of the EU on the development of the process of stability and good neighbourliness in Southeast Europe (Council of Europe, 2006). Again, rather than an effort to deal with the questions of minorities and borders underpinning conflicts in the region, the initiative laid emphasis to the development of projects towards the progressive restoration of the movement of people and ideas, the organisation of regional meetings, restoration of dialogue between different elements of society (intellectuals, journalists, religious figures), the banning of propaganda promoting aggression, the re-launching of regional cultural, scientific and technical cooperation, specific cross-border projects, and cooperation in re-establishing civil society, especially in the areas of justice and administration. The stated purpose of the initiative was to promote a better understanding of the benefits of cooperation, and

17 That is, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Yugoslavia, FYROM, Romania and Slovenia.

to contribute to restoring confidence and dialogue between the involved parties.

Yet there is little doubt that the defining circumstance for the launch of this European initiative was the Dayton Agreement (1995), which, by establishing Bosnia and Herzegovina and by providing a framework for the abatement of armed conflict in former Yugoslavia, affirmed the ascending political and military role of the US in the region. After all, the American intercession in the process leading to Dayton was itself a considerable reversal of the approach adopted by the United States in the earlier case of Croatia's and Slovenia's secession from the Socialist Federal Republic of Yugoslavia. It affirmed that, under the Clinton administration, the US intended to play a more active role in the region, and sent at the same time the message that a resolution of the Yugoslav crisis would not be feasible without an American intervention (Schifter, 1998). The member states of the EU had to accept this new reality, while continuing to pursue an important role in the economic and social aspects of the reconstruction of the western Balkans, consistently to the post-Cold War geopolitical shift of interests which has underpinned the entire drive of the enlargement to the East. In terms of its substantive content, and whether one considers European countries or the US, it should not be forgotten that the scope of the restructuring of Eastern European economies, both in terms of their productive base and of their labour forces, was at any rate the establishment of a particular type of economic dependency, by means of which these advanced western capitalisms could eliminate local competition and gain relative advantages in accessing the markets of those countries (Carchedi, 2001: 182-190; Gowan, 1999b).

The identification of this underlying economic rationale needs nevertheless to be analytically reinforced with conceptual tools addressing the diversity of political strategies and methods by means of which each of these powers has pushed this project forward. While critical commentators of the enlargement drive offer different views of the nature of the balance of forces and interests determining the methods and goals for Eastern Europe's reintegration in the world market, their discussions seem to converge on the identification of certain dimensions of the power struggles involved in the process. Such struggles weighed heavily on the ignition and escalation of the Yugoslavian crisis, which should be brought to the forefront of this analysis for a moment because it has left a clear mark on overall developments in Southeast Europe. Critical accounts move away from the conventional view that the local wars in Yugoslavia were a product of ethnic animosities and nationalist hostility deeply rooted in history, a view that was eventually pressed on the events by the combatants, and which was also conveniently used for shaping western public perceptions of the crisis. Rather, it is argued that socialist Yugoslavia's post-

WWII historical course had already resulted to a considerable degree of integration in the structures of the global economy by means of market relations, international loans and IMF intervention, which in the economic conjuncture of the 1970s and 1980s became progressively detrimental to the economic and social cohesion of the country (Gowan, 1995; Parenti, 2000; van der Pijl, 2001; Woodward, 1995).

Thus the disintegration of the Soviet bloc after 1989 fuelled centrifugal forces already present and importantly, prompted a more active pursuit of western vested interests, which can be analysed along three general axes: firstly, the German strategy of regional partition aiming to bring particular countries into its sphere of influence; secondly, a concern of other European powers with German sphere-of-influence politics which gave rise to a strategy of containment by recourse to the channels offered by international organisations and instruments (UN, OSCE); and thirdly, the American effort to demarcate a zone of influence in Southeast Europe (van der Pijl, 2001; Woodward, 1995: 158-159 and ch.6). According to van der Pijl, the matrix of these international power struggles is found in the division of western capitalist interests between the strategy of a full neoliberal assault on Eastern Europe and the more 'conservative' strategy pursuing spheres of influence (see also Gowan, 1995). This division does not simply demarcate a rivalry between the European and American capitalisms: rather, van der Pijl argues that it has also been an active source of intra-European divergence over the methods of Eastern European reintegration in the world (and *European*) economy. While the weight placed by the US on the strategy of 'shock therapy' eventually elevated it to the prevailing recipe for the 'reconstruction' of East European economies and societies, the pursuit of divergent interests by western capitalisms has spun in the process numerous initiatives with a view to channel economic and political influence. The relative success or failure of each has depended on the different proportions at which it has drawn particular countries, international institutions, donors, experts and various types of resources and on its differential appeal to the interests of the emerging post-communist elites in the East.

An embarrassment of diplomatic riches

Let me then pursue briefly the course of the initiatives I have discussed above. To return, firstly, to the Royaumont initiative, it was unsurprisingly met with the reservations of other Balkan and other involved countries (e.g., USA, Turkey) who either regarded the implementation of the Dayton agreement as a priority or otherwise regarded the general aims of the European initiative, including the subject of 'good neighbourliness', as pre-

mature, in the light of the unresolved issues in the western Balkan region (Shtonova, 1998). So it is important to note that even though the initiative was eventually launched with the participation of those countries that had expressed reservations, it did not preclude the unfolding of other efforts which paralleled its aims and methods. Ultimately, even the member states of the EU recognised that the initiative lacked impetus and tangible results. Thus in 1999 the EU laid out a more comprehensive strategy for the western Balkans, known as the 'Stabilisation and Association Process for the countries of South-eastern Europe', which allowed for more tailored contractual relations between the Union and each of the targeted countries and also provided for the channelling of financial (PHARE) assistance, humanitarian aid and capacity building in the areas of democratisation, justice and home affairs (Commission of the European Communities, 1999; Council of the European Union, 1999a).

By that time, of course, the jigsaw of initiatives in the region already resembled a labyrinth, to the Minoan proportions of which the EU had itself contributed. In fact, the Stabilisation and Association Process (SAP) could be understood as an EU housekeeping exercise with regard to western Balkans, since at the time it was initiated the member states of the EU were already actively involved in the launch of a much wider international initiative, the Stability Pact for Southeastern Europe; this should not be confused with the earlier EU initiative. The European Council thus saw the policies and actions packaged in SAP both as an active pledge to support the Stability Pact, and as a plan of action more pertinent to EU-specific interests in the region in so far as the declared aim was to ultimately integrate the targeted countries into its own structures (Council of the European Union, 1999b). The Stability Pact itself, nevertheless, was to develop its own institutional facilities and methods, since it involved a wide range of participants, including, *as distinct entities*, the initiatives which were launched earlier (Stability Pact, 1999; 1999).¹⁸ The activities of the Stability Pact, which was placed under the auspices of the OSCE (on whose support mechanisms it has also relied), span across the issue areas of democratisation and human rights, economic reconstruction and security. The highest decision-making forum of the Stability Pact is the Regional Table, which is chaired by a

18 If only as a reminder of how initiatives of this kind constitute a complex field, it is useful to recall the participants of the Stability Pact: the European Union member states, the European Commission, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania, the Russian Federation, Slovenia, the former Yugoslav Republic of Macedonia, Turkey, the United States of America, OSCE, the Council of Europe, Canada, Japan, the UN, UNHCR, NATO, OECD, WEU, International Monetary Fund, the World Bank, the European Investment Bank and the European Bank for Reconstruction and Development, as well as the Representatives of the Royaumont process, and also the Black Sea Initiative, the Central European Initiative, SECI and the Southeast European Cooperation Process.

Special Coordinator (Dr. Busek has held this position since 1999). Under the Regional Table operate three Working Tables, which are further divided in sub-tables and to which particular activities in the above issue areas have been assigned respectively. Their aim is to bring together the relevant actors with a view to promote good neighbourly relations, resolve issues and develop support for eligible, especially cross-border, projects (Stability Pact, 1999).

The important point here is that one should not visualise this jigsaw as a highly institutionalised framework of governance which could be unconditionally self-reproduced. It is rather contingent upon the fluidity of interests entangled in the actual operation of the framework, and, to a certain extent, upon the entrepreneurial capabilities of the transnational bureaucracies which emerge in the process to represent their various projects as good value for money for those who decide to support them. This latter aspect is certainly highlighted by the participation of International Financial Institutions (IFIs), such as the International Monetary Fund (IMF), World Bank or the European Investment Bank (EIB), but is it also relevant for police and judicial cooperation projects, as we shall see soon. This contingency is naturally underscored by the realised trajectories of both the projects and their overarching frameworks: since 2006, the Stability Pact undergoes a major transformation into what will be called Regional Cooperation Council. What is essentially involved in the process is the integration of the Stability Pact with another regional initiative, the Southeastern Europe Cooperation Process (SEECF). The distinctiveness of the SEECF lies in the fact that it constitutes a 'native' regional initiative in continuation of efforts at regional cooperation which date as far back as the 1970s (see Tsardanidis and Alifantis, 1989). In 1996 these earlier efforts were reinvigorated, leading to the launch of the SEECF. Again, the purpose of this initiative has been to promote good neighbourly relations and the development of cooperation in the areas of economy, environment, security and institution building (Hellenic Ministry of Foreign Affairs, 2007; Romanian Ministry of Foreign Affairs, n.d). The initiative resulted in the conclusion of a regional chapter on good neighbourly relations (2000) which laid out a range of methods for the development of dialogue and cooperation in the above issue areas, with some more emphasis on security issues, including the fight against illicit activities. Although a closer examination is necessary in order to reach any conclusions, the integration (in 2006–2007) of the Stability Pact and SEECF structures should be taken more as an indication of the vitality of natively generated dynamics in the international politics of the region, rather than an effort to rationalise the lay-out of evidently overlapping mechanisms.

US initiative and the framework of SECI

It is now possible to situate SECI among the initiatives launched in Southeast Europe, and examine in some more detail its structure and also the reasons for which it has been capable of leading to the realisation of a project in the specific area of police and customs cooperation that is the SECI Centre.

It is firstly clear that the necessity of the so-called 'final points of common US and EU understanding' arose from the fact that SECI has been a project of American inspiration. Ambassador Richard Schifter, who in 1995 served as special assistant to the US President for national security affairs and was the initiator of SECI, the 'Schifter initiative' (Shtonova, 1998: 31), has referred in no uncertain terms to the project as 'our intention', 'our initial idea' (Schifter, 1998: 3). The idea was a direct product of the ascending role of the US in Southeastern Europe, which was affirmed in the course towards Dayton by the realisation that the American involvement in the politics of the region was a significant factor for the resolution of the crisis in the western Balkans. The idea of SECI formed part of that involvement, and is usually thought to represent an element of the American 'exit strategy' from the region. This is accurate in so far as the US, as Ambassador Schifter explains, were unwilling at the time to commit more troops in the event that hostilities continued, and were also unwilling to commit significant amounts of funds towards the reconstruction of Southeast Europe—at least not to an extent reminiscent of the post-WWII Marshall plan (Schifter, 1998). So the proposal of SECI, with its particular emphasis on the notion of self-help, that is, the active participation of the involved parties towards the development of cooperative processes and projects, reflected to a certain extent that unwillingness.

Nevertheless, it can be argued that the plan rather indicated an American intention to play by more concrete means a role in particular aspects of the region's geopolitics in the longer term. Because the plan called for the involvement of a wide range of international institutions, including IFIs, particularly under the auspices of OSCE's 'second basket' of economic, developmental and environmental cooperation, it would institute a channel for the active presence of both American political and financial interests in the region. As the launch of SECI was developing in parallel with the launch of the Royaumont process, and the US side did not want to go ahead without some understanding from the EU, it was suggested that the two initiatives could be folded into one; the EU resisted this:

[o]ther EU member states also found our proposal to place SECI under OSCE unacceptable, because they opposed the invigoration of the second

basket of OSCE. Nor could agreement be reached within the EU on joining the United States in a SECI partnership outside the framework of OSCE (Schifter, 1998: 4).

Given however, that a number of EU member states had already expressed an interest, the negotiations went ahead, leading to the agreement of the Final Points of Understanding, as discussed above. Additionally, US diplomacy was making an active effort to recruit countries from the region to the initiative, which included even high level contacts such the letter of President Clinton to Hungary's Prime Minister, where participation to SECI was brought up as an indication of Hungary's commitment to peace and stability in the region, and therefore suitability for NATO membership. As Schifter explains, the governments of some of the targeted countries were worried that participation to SECI could be met with political reactions internally as in the light of those countries' aspirations for integration in the EU a regional initiative seemed less satisfactory. When the organising meeting of SECI took place on the premises of the US Mission in Geneva, there were still countries that participated reluctantly, such as Slovenia and Croatia (Schifter, 1998).

What emerged from these negotiations was SECI's Statement of Purpose and an agreement on certain organisational arrangements, including firstly the creation of an Agenda Committee comprising high-ranking officials from participating countries. The Committee was authorised to identify areas of common interest in which common projects could be developed and implemented. Furthermore, the initial meeting resulted in a request for technical support to the UN Economic Commission for Europe (UNECE), whose infrastructure and contacts were deemed instrumental for the initial steps and further development of the initiative, and also the creation of a Business Advisory Council, headed by prominent businessmen, as an instrument to involve the business communities of the participating countries and also attract wider interest globally, particularly in the trade, transport and banking sectors. SECI's headquarters were hosted by OSCE in Vienna, even though the former was not formally associated with the latter.

Although the idea of SECI as a self-help initiative did not involve any commitments for financial support from non-participating countries, considerable amounts of funds were made available for its initial steps by means of voluntary financial contributions by the US, Switzerland, Italy and Austria, which totalled US\$300,000 for 1997. The US made available an additional US\$325,000 to UNECE of the funding of travel costs of experts and other technical assistance to SECI, and progressively several IFIs, such as the World Bank, the European Bank for Reconstruction and Development and the European Investment Bank (EIB) were involved as potential lenders for the development and im-

plementation of projects. Further support and publicity for SECI was drawn with the help of private organisations and academic networks, such as the Vienna Institute for the Danube Region and Central Europe, the German Bertelsmann Foundation, the Central European University at Budapest, and also the network of George Soros's Open Society Foundation in the region (SECI, n.d.).

During 1997, several projects were developed by SECI in cooperation with UNECE experts, and all of them were somehow characteristic of the 'pragmatic' spirit of the initiative, in the sense that all pertained to the facilitation of trade between the participant countries and the development of good business environment in the region. The general structure of the projects involved ad hoc project groups, groups of experts, whose work was to elaborate more concrete projects within a wider issue area; additionally, particular participating states were designated to provide support to the work of these groups. Thus, the Agenda Committee at its meeting in January 1997 prioritised six such projects, involving the simplification of border crossing procedures, the upgrading of border station infrastructure and training of customs services and border police (hosted by Greece), energy efficiency (Hungary), elaboration of policies for the development of small and medium-sized enterprises (Romania) elimination of transport bottlenecks at main international corridors (Bulgaria), and also the promotion of investment in international gas networks and pipeline interconnections (Bosnia and Herzegovina), with a short term goal to restore and secure the supply of natural gas to Bosnia and Herzegovina for winter 1997–98 and the development of alternative energy routes over a 2 to 4-year period. (Hinkova, 2002; SECI, n.d.). In all these cases, the preferred method of work was low-key and informal, which reflected exactly the 'forum-like' structure of the initiative itself, and resulted in equally low-key and informal results, typically in the form of Memoranda of Understanding (MoUs), such as the Memorandum on the Facilitation of International Road Transport of Goods in the SECI Region, signed in Athens in April 1999, or the Memorandum for Cooperation in Trade and Transport Facilitation in Southeast Europe, signed in Skopje in February 2000 (Hinkova, 2002).

The 'added value' of this method of work was explained to me in very clear terms during my interview sessions:

this approach was appropriate, because one of the problems they had to solve was the lack of trust between the countries...little things to facilitate cooperation and build trust such as the uniform customs documents can make a difference in this sense...so the MoUs are a quick path to set up a framework of principles for cooperation...what is 'cool' about them is that you don't need to be ratified by parliaments (interview with police official,

March 2006)

It may be noted that the one project of SECI that did necessitate ratification from parliaments was not included in the initial list developed in 1997: the founding act of SECI Centre, the Agreement on Cooperation to Prevent and Combat Cross-Border Crime, signed in Bucharest in May 1999, emerged from the works of SECI only during 1998, and as a 'logical consequence of the problem of security' that the development of the other SECI initiatives posed. The significance of the above discussion of SECI's general framework and of its methods as an initiative for international cooperation however should not be underestimated, as they have equally entered the patterns of organisation and work of the SECI Centre itself; to put it in a different way, these patterns enter the explanations of both the 'logic' and of the 'consequence' in the creation and operation of the Centre.

Before I proceed, let me take stock of the preceding discussion and draw a number of tentative conclusions that facilitate further analysis. When approaching the situation in the Balkan region after the 1990s, one has to proceed from numerous fragmentary accounts, which when they are not aligned with particular national-, issue- or interest-specific viewpoints, they tend to reflect the opinion that native interests in the region are somehow irreconcilable and conditioned by long existing ethnic or religious conflicts and mutual suspicion. This has been the internationally prevailing (and propagated) perception not only of the crisis in Yugoslavia (Woodward, 1995), but of the overall situation in the region (Schifter, 1998). However, such a view, which tends to depict countries and groups as quarrelling individuals, does not explain the actual high levels of international activity in the region, those numerous cooperation initiatives that involve not only the brokers of international stabilisation and reconciliation, but also, actively, the parties engaging in presumably irreconcilable conflicts.

Once launched, all the initiatives examined so far have been operational, even though their particular life courses—to use this analogy—have involved reservations, delays, and transformations. This suggests that this life course is conditioned by the active presence and eventual balance of interests which determine the concrete realisation of policy directions and 'projects', even though the initial agendas, particularly as regards the restructuring and liberalisation of the economies of the 'recipient' countries, are dictated by the most powerful actors, as a consequence of the latter's preponderance in the wider international balance of forces. After all, where such an agenda was not acceptable to its recipients, the adopted course was international exclusion and military coercion, as in the case of FR of Yugoslavia (this is particularly argued by Parenti, 2000). The analyt-

ical gain of a historical materialist perspective, which conceptualises at the level of the interstate system these interests as the economic and political interests of ruling classes, is that it anticipates the ideological function performed by the discourses of nationalist and ethnic irreconcilable difference and inevitable conflict. These do play an important role in so far as they possess the capacity to mobilise support for and legitimise particular strategies. But beneath this surface lies a real structure of interests whose balance is conditioned by both the asymmetrical international power relations in which these ruling classes are welded, and the actual conditions under which these classes reproduce their rule over the dominated classes within their states. While interstate politics is a field where these interests are mediated by the emissaries of state bureaucracies, and thus possesses a relative autonomy, the actual capacity of international initiatives to produce 'results' is concretely a correlate of this structure.

In this light, it is also possible to return to the idea of hegemony. The preceding discussion supports, I believe, the view that hegemony in international relations depends heavily on the particular organisational arrangements that emerge in a field where contradictory interests intersect, and is mediated by those arrangements in the sense that these are ultimately the material manifestations of a balance of power and operate as points where practices, procedures, knowledges and projects reflecting different interests are equilibrated. As far as the particular question of US hegemony is concerned in this case, it should be obvious that we are ultimately dealing not with unquestioned American superintendence, but rather with the results of the above process conditioned each time by the ability of the US diplomacy to mobilise resources and influence in order to push ahead with the project of SECI. Speaking more generally, the exercise of this hegemony, did involve the capacity of the US to intervene effectively in diplomatic dead-ends, but in a contingent process whose nature and outcomes have been conditioned by how other capitalisms and their states are situated on the global imperialist chain within the given conjuncture. This thesis does explain so far the bewildering overlap of organisations, initiatives, round tables and assistance programmes—and the remainder of this chapter will offer further indications to support it.

The making of 'a place good for business': a note on power struggles within Southeast Europe

The preceding analyses would be incomplete without a brief overview of certain themes emerging from the economic, social and political situation of those countries in South-

east Europe that participated in the SECI initiative. In a sense, the SECI Centre can be seen as a point of convergence for the international processes I have discussed so far, and the particular conditions prevailing in those societies; to state it differently, one cannot possibly understand the SECI Centre as purely international space: its very nature as a police organisation is inextricably linked with the 'domestic' conditions of its participating states, not simply in the sense that these domestic circumstances condition the actual implementation of any action plans elaborated at the SECI's busy rooms at the *Palatul Parlamentului*, but also in that they have entered the very process of establishing and operating the Centre itself. At the same time, what follows provides the necessary background for understanding in what way sex trafficking (and illegal migration) could be operationalised as problems for police action in the particular way that they did, especially in the light of the conditions these countries, and particularly their people faced as a consequence of the dissolution of soviet structures, and of their exposure to the violent dynamics of capitalist (re)integration.

Economics and politics of the transition period

To be sure, to speak of the SECI countries as a region with common characteristics in both economic and political terms involves the risk of overgeneralisation, since a closer consideration of their histories after the end of the WWII reveals significant differences in the courses they have taken. Focusing on the Balkans, one may of course draw a thick line between Greece and the countries lying to its north, since the former's course has been firmly associated with the West, characterised by a free market economy and systematic ties with Atlantic and European economic and political institutions such as NATO or the EEC/EU. But differences have existed also among the other countries that on the basis of the distinction East/West would appear as part of the same bloc: whereas Albania has been extremely isolationist following the Stalinist model of 'building socialism in one country', Bulgaria and Romania had been more amply integrated into the COMECON system of economic and trade relations, being founding members of the organisation in 1949; and Yugoslavia's policies had deviated significantly from those of the other communist countries, both as regards the organisation of the national economy and polity, and its economic and political relations with the post-WWI coalitions (Crampton, 2002; Kipas, 2004).

The meaning of the above remarks is that with the dissolution of the soviet bloc in

the late 1980s–early 1990s the former communist Balkan countries¹⁹ began the course of transition to free market economy and liberal democracy from quite different starting points. The results of historical diversity, although visible even during the days of communism as differences in the levels of economic and social development or in positions in foreign policy, became acutely felt once the question of their integration in a regional, European and world economic and political system had been posed on precisely capitalist terms. Already existing lack of economic complementarity and low levels of intra-regional trade and wider economic integration (Anastasakis and Bojicic-Dzelilovic, 2002) became increasingly pronounced as problems: the tragedy of war in Yugoslavia and exposure to the dynamics of the world economy (for those countries unaffected by the direct consequences of war) delivered further blows to production, trade and the administration of national economy in those countries, resulting in a general deterioration of the micro- and macroeconomic indicators (Gligorov et al., 1999). As a result, the countries of the region have been uniformly characterised by a lack of ability to achieve sustained economic growth during the 1990s; this is suggested at a very general level by the figures of GDP growth presented in Table 1—even though GDP is not an entirely satisfactory measure, because it reflects the effect of such extraneous factors, as, for example, international aid and post-war development in the case of Bosnia and Herzegovina. As Stanchev (2005) notes, commenting to the overall economic performance of the Balkan countries, even when a period of growth was achieved, ‘it was insufficient to compensate for previous periods of decline and deconstruction’ (26).

19 Greece (and Turkey) can be conveniently put aside in the context of the present discussion, as, on the basis of their existing ties with the West, the 1990s posed an entirely different range of issues. Greece, for which the 1990s have been a decade of further and more decisive development of its capitalism and integration into the structures of the EU, is at any rate the specific object of the final part of this case study.

Table 1: GDP growth (%) in selected SECI countries, 1991–2002

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Albania	-28	-7.2	9.6	9.4	8.9	9.1	-10.2	12.7	10.1	7.3	7.0	4.2
BiH							29.9	28.9	9.5	5.2	3.6	5.0
Bulgaria	-10.7	-8.5	-11.6	-3.7	-1.6	-8.0	-5.6	4.0	2.3	5.4	4.1	4.5
Croatia			-8	5.9	6.6	5.9	6.8	2.5	-0.9	2.9	4.4	5.6
FYROM		-6.6	-7.5	-1.8	-1.1	1.2	1.4	3.4	4.3	4.5	-4.5	0.9
Greece	3.1	0.7	-1.6	2.0	2.1	2.4	3.6	3.4	3.4	4.5	4.5	3.9
Moldova			-1.2	-30.9	-1.4	-5.8	1.6	-6.5	-3.3	2.1	6.1	7.8
Romania	-12.9	-8.8	1.5	3.9	7.1	3.9	-6.1	-4.8	-1.2	2.1	5.7	5.1

Source: IMF World Economic Outlook Database, April 2008

The common background against which the post-communist economic course of SECI countries in the Balkans should be considered is, of course, the very fact that they had previously been planned economies, whose state-controlled productive base involved management by massive bureaucracies that equally formed part of the state alongside the equally sizeable repressive apparatuses of police army and secret services. The problem therefore that was posed across the entire former eastern bloc simultaneously with the question of transition to democracy, was the question of the transition to a liberal market economy with structures of private property: not only ownership reform of state enterprises, but the privatisation of the economy through and through—hence the the famous combination of the ‘3 Zatsias’, *privatizatsia*, *marketizatsia*, *democratizatsia* (Gowan, 1999a). Essentially, therefore, the process was set in motion with the state managers not only already possessing substantial power and privileges *as well as* vested interests in the retention of control on economic assets, but also being part of the same public mechanism that set for itself the task of accomplishing the transition to a market economy, even in cases when the democratically elected officials were avowedly in favour of market and privatisation (Frydman et al., 1996b; 1998). Questions regarding this complex political process have been examined to a considerable extent in the case of Russia and ex-communist countries of Central Europe that were initially more open to the recipe of shock therapy (e.g., Pistor and Turkewitz, 1996); in the Balkans, knowledge of this process is less well-studied overall, particularly as the political persistence of the communist parties in Bulgaria and Romania resulted in the adoption, for much of the 1990s, of gradualist policies to privatisation and liberalisation of their economies (Crampton, 2002). Therefore, the Balkan case presented an additional complication, even as foreign investment and international aid were received to no lesser extent than

other, more open, former communist states.

Economists and political scientists that fully espouse the neoliberal doxa in considering relationships between firms and the state and the implications of these relationships in the performance of the economy and the development of a dynamic private sector have understood and typically refer to this process as a form of market distortion. An established path for analysis distinguishes between *state capture*, which is the shaping of the formation of the basic rules of the game (laws, rules, decrees and regulations) through illicit and non-transparent private payments to public officials, *influence*, which refers to the firm's capacity to have an impact on the formation of the rules of the game without necessary recourse to private payments to public officials (as a result of such factors as firm size, ownership ties to the state and repeated interactions with state officials), and, finally, administrative corruption, which involves private payments to public officials to distort the prescribed implementation of official rules and policies (Hellman et al., 2000; 2000; 2003; see also Frydman et al., 1996a). But it is evident how the problematic of state capture essentially misses the mark—exactly because it is informed by neoliberal purism and its assumptions of the relations between the state and the economy.

What, in fact, the state capture problematic refers to is nothing other than a process whereby existing elites or, at any rate, surviving fractions of these elites, were in a position to negotiate vis-à-vis domestic and international forces pressing for reform the retention of a power they already possessed under the previous regimes. On the other hand, one must also recognise that this process took place at the expense of the popular masses that were exposed to the full impact of deindustrialisation, unemployment, poverty and the wholesale degeneration of any welfare infrastructure (for a concise account of the human and other cost of shock therapy, see Gowan, 1999a: 199–204). As the question of the exact character of those regimes from a Marxist perspective cannot be examined here, as the question goes far beyond the purpose of the present discussion (but see, for example, Bettelheim, 1976; 1978; Fernandez, 1997; Mandel, 1992; Trotsky and Eastman, 2004), it should only suffice to say that the above strategy of the old *no-menklatura* has already been approached theoretically by non-Marxists as a process of 'extraction from the state', whereby the elite capitalised on insider access to prey on wealth accumulated in the state domain (Anastasakis and Bojicic-Dzelilovic, 2002: 11; Ganev, 2001: 16)—a process aptly nicknamed in other similar contexts '*prikhvatizatsia*': 'grab more' (Miller et al., 1998: 274).²⁰

20 For a set of useful analyses of the situation in several USSR successor states from an explicit elite theory perspective, see Shlapentokh et al., 1999.

The pervasiveness of this situation which has captured western attention as widespread corruption across the entire institutional edifice of post-communist societies, including public administration, fiscal services, justice, and, of course, the police (Fatić, 2003: 117–118; Feige, 1999; Kutnjak Ivković and O'Connor Shelley, 2005; Kádár, 2001), should also provide elements for the explanation of the multitude of international initiatives emerging from within the countries of Southeast Europe. But in the following sections I want to concentrate on the implications of this wider social and political landscape exactly on the questions of organised crime, migration and trafficking exactly as instances of adaptation, involving sections of the population that were found at the margins of the above process.

Making ends meet: the question of the informal economy

The above context of post-communist transition makes it difficult to approach the various economic and social processes of adaptation on the basis on ideas formulated on backgrounds of relatively clear and stable 'institutional structure of accumulation', as Franičević (1999) calls 'all those basic institutions and economic and social regulations which mediate in the relations between work and capital, state and capital and state and citizens ensuring a stable relationship between capital accumulation demands and legitimacy of order' (131, n.4). The difficulty rests in the fact that while in advanced capitalist countries such structure exists, and therefore it is possible to conceptualise economic behaviour on the basis of compliance/non-compliance to established rules whose enforcement is guaranteed by the various state apparatuses, from the viewpoint of the transition countries such structure was more an aspiration than a reality at the beginning of the process, because the rules of the game itself had been extremely volatile. Franičević is correct to note that the transformation of ownership, institutions and regulations filled the market with new actors, demands and organisational solutions and created 'explosive dynamics and spontaneity of entrepreneurship' that 'preceded the ability of the state to place them within the desired regulatory framework' (1999: 118). But the 'thorough and fundamental redefinition' of relations between state and economy, and also between 'politics and civil society' refers to inherently, and not externally related realities, insofar as what is involved is a redrawing of the balance of social forces that is condensed in the state and motors its apparatuses.

What the above suggests is the problematic nature of the notion of the 'informal' and 'underground' economy that has been so widely applied in analyses of the economic situ-

ation of the transition countries. If it has not functioned as means of ideological warfare towards even more radical 'regulatory rollbacks, privatisation and tax cuts' as prescribed by the neoliberal agenda (Naylor, 2005: 132), a possibility that cannot be excluded especially in the cases of countries that adopted a gradualist approach yet whose economic performance was assessed by the various IFIs on the basis of the neoliberal conceptual armoury (see, e.g., IMF, 2000; 2003), it is at any rate a very weak analytical tool, because it places a whole range of *qualitatively different class practices* under the single undifferentiating canopy of 'noncompliant economic behaviour involving evasion, avoidance, circumvention, abuse, and/or corruption of the rules, as well as accompanying efforts to conceal these illicit behaviours from the view of public authorities' (Feige, 1999: 14).

The difference of non-compliance practices from a class theoretical perspective, without making the distinction between informal or criminal practices which is not decisive at this level of analysis, reflects the qualitatively different positions of agents within the relations of production and distribution, hence the different strategies agents may adopt towards the dictates of the regulatory framework (Sakellaropoulos, 2001: 192–194). From the viewpoint of capital therefore, non-compliance to the rules of the established regulatory framework, is tied to the exigencies of market competition, as the violation of rules may make possible a reduction in costs of production or social costs related to production and business activity overall, and therefore the extraction of additional profit: the obvious example here is the employment of black labour, which makes possible the payment of rates below minimum wage as well as social security contributions evasion or cutbacks in health and safety equipment. The extent of non-compliance may of course involve all the factors entering the production process—it is possible after all to run a perfectly legitimate business that produces from or trades in smuggled goods, or even a business whose activity is illegal through and through; in this latter case, the idea of *organised* crime simply reflects the plain reality of a capitalistically organised enterprise that defies the dictates of the regulatory framework altogether.

The situation is quite different from the viewpoint of labour, as individuals who bring in the market the single commodity of their own labour power may take recourse to the informal economy, either because they cannot be employed within the formal economy, or because the income they generate from the latter may simply not be sufficient for subsistence. Additionally, one should also take into account that individuals who fall under the same above category may not be formally/legally employable, such as pensioners, minors or illegal migrants (Sakellaropoulos, 2001: 194), even though they are subject, of course, to the same exigencies as the individuals belonging to the former category.

The degree of mystification achieved with the application of the idea of informal economy is thus evident in analyses that understand the latter as an attempt of 'individuals' tout court to escape the paying of social costs and gain advantage at the expense of another, complemented sometimes by comments on the ability of Moldovans (or the people of any other country) to survive and do remarkably well because of the informal economy and despite the adverse conditions of the (formal) national economy: thus, the remark that

in the 90s the costs of the transition were paid mainly by individuals, causing a serious social deficit during the transition decade, having led to the phenomenon of poverty characterised by dramatic drops in employment, low wages, fewer employee rights and income polarisation in society, [and,] more recently, with a migration rate unprecedented in the country's history (e.g. Munteanu, 2004: 116)

primarily refers to little more than the wholesale deterioration of the condition of the working classes of these countries. Reliable data and research about developments in the immediate post-transition period in this respect are scarce, and, where research exists, it predictably does not consider class in the above terms. But available indications that concern the question of poverty in post-communist societies, suggest clearly the extent of deterioration. In Bulgaria, for example,

[under communism] minimum salaries were close to average, and they guaranteed sustenance needs. There were no unemployment and no "homelessness". The state provided free health care, education, maternity leave, and childcare. During socialist times "the poor" were those who could afford only a panel flat and could not afford a car. Today, the poor are those who cannot afford to heat their flat during the winter or who must sell the flat itself...the new poverty is becoming a biological issue (Mitev et al., 2001: 40–41, inverted commas in original).²¹

The emergence of unemployment (see Table 2 for a regional overview), fall in real wages and increasing income differentials (despite adverse conditions of the national economy), and reforms in the provision of social welfare (Rotariu and Popescu, 1999: for Romania; Todorova, 1999: for Bulgaria) leave little doubt that the new poverty in the transition economies is class concentrated, and it is poverty of the working class.

²¹ This astounding quotation, which in fact relates to the general situation in pre-transition Eastern Europe, comes from Bulgarian academics, who nevertheless assert that the emerging poverty in that country could be attributed to the reluctant pace of market oriented reforms in the early 1990s. Nevertheless, situations of relative impoverishment were not unknown in the communist days, especially in Central European countries that were increasingly exposed to the pressures of the world market. Most of the works cited above do offer some indications about poverty under communism.

The other side of the restructuring of the economy under the dictates of reintegration to world capitalism has been the large migratory outflow, a characteristic aspect of the social development of these countries across the region in the 1990s and after. Table 3 provides an overview of migratory flows for selected countries of the SECI region; data for Bosnia and Herzegovina and for Croatia, which reflect the impact of internal conflicts, have been included for the early 1990s, and they are also useful to highlight the spectacular increase of migration flows into Greece, which became an important destination country for migrants from Albania, and to a lesser extent, Bulgaria and Romania during this period (Lianos, 2005). Having already provided a discussion of emigration in the context of imperialism, which from a theoretical viewpoint applies to the Balkan situation too, I proceed to examine the question of the nexus of poverty, migration and trafficking of women in the following section.

Table 2: Unemployment rate in selected SECI countries, 1991–2002

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Albania	9.2	27	22	18	13.1	12.4	14.9	17.7	18.4	16.8	16.4	15.8
BiH							39	38.7	39	39.4	39.9	42.7
Bulgaria			21.4	20.2	16.5	14.1	14.4	14.1	15.7	16.4	19.5	18.1
Croatia						10	9.9	11.4	13.6	16.1	15.8	14.8
FYROM									32.4	32.2	30.5	31.9
Moldova										8.5	7.3	6.8
Romania					8.9*	6.1*	5.3	5.4	6.6	7.2	6.6	8.4

Sources: UNECE Statistical Division Database, <http://www.unece.org/stats/Welcome.html>

* Mitev et al., 2001: 61, Table at endnote 16

Table 3: Net migration flows (rate and absolute) of selected SECI countries, 1990–2005

	1990–1995		1995–2000		2000–2005	
	Net migration rate (per 1000 population)	Net migration (thousands per year)	Net migration rate (per 1000 population)	Net migration (thousands per year)	Net migration rate (per 1000 population)	Net migration (thousands per year)
Albania	-25.4	-82	-17.9	-56	-7.0	-22
BiH	-51.8	-200	16.3	59	6.0	23
Bulgaria	-8.1	-70	-2.5	-21	-1.1	-9
Croatia	6.6	31	-6.5	-30	4.4	20
Greece	9.0	94	5.6	60	2.8	31
FYROM	-2.8	-5	-0.5	-1	-1.0	-2
Moldova	-5.5	-24	-11.7	-50	-12.5	-50
Romania	-4.6	-106	-3.1	-70	-2.5	-54

Source: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: the 2006 revision* and *World Urbanisation Prospects: the 2005 revision*, <http://esa.un.org/unpp>

Feminisation of poverty and migration

In the light of the preceding remarks, it is now useful to attempt to focus more specifically on the particular impact the post-communist transition had on women. 'Attempt', because, despite a relative reversal of the situation recently, the question of post-communist female pauperisation has been posed as scarcely (Weiner, 1998) as much female migrations, East European and other, have tended to be 'invisible' in the literature (Anthias and Lazaridis, 2000); additionally, much of the writing that relates to these topics has been firmly placed within a trafficking framework. Yet it is clear that in so far as trafficking is a migration-related victimisation, its discussion should be preceded by a careful consideration of the context of the position of women as potential or actual migrants.

Although the transition to post-communism was accompanied by the establishment of a formidable, West-fuelled intellectual apparatus studying the economy, the labour market, the relation of state and market and so on in support of the capitalist resurrection, much of the knowledge gap with explicit regard to women's issues has been filled by the efforts of East European academics. Most of them are women who were probably able to draw immediate comparisons and note the dramatic deterioration in the economic

and social position of women that the transition brought about by the creation of gendered cleavages in the labour market, gendered income differentials, and the reduction of the welfare apparatus that protected that position to a minimalist welfare state aiming toward the creation of flexible labour force (see Standing, 1999).

Arguably, the policies of the previous regimes that tended to approach gender equality as equality in the labour market (Brunnbauer, 2000: 152) may have placed an additional burden on women, in the sense that, with their position in the labour market given and secure, they still had to cope with the difficulties arising from their traditional roles in the household—a task which, as Grappard (1997) remarks, was not made easier by the scarcity of consumer goods and household durables that planned production chronically imposed on these societies. Additionally, even in the communist days, women's participation in the labour market had been clustered around poorer paid and less prestigious sectors, and had been even weaker in managerial and high-level positions. Such differences accounted for average wage differentials, which, according to Fong and Paull's data, ranged in various Eastern European countries between 64–91% of male average earnings, *at the very early stage of the transition* (1990–1991). As the restructuring of state owned enterprises and privatisation were implemented, women were more likely to be laid off, and less likely to be reemployed in the private sector, because of the rampant deindustrialization or because of the social costs associated with female employment in the services sector that now had to operate in a free market environment. Overall, women in employment in transition Eastern Europe could be described as a secondary workforce, 'occupying less desirable positions of administrative support and more prone to unemployment during downturns in the demand for labour' (1993: 229).²²

It is clear therefore that the transition did not merely exacerbate whatever previously existing inequalities (Fong and Paull, 1993: 231), but rather created qualitatively new ones. Examples, fragmentary as they may be, they are nevertheless abundant. Rhein's (1998) discussion of a Russian study according to which women's average earnings descended from 75% to 40% of men's averages between 1991 and 1998 illustrates somehow that Mitev et al.'s (2001) comment on poverty in transition becoming a biological issue would apply ever more to the case of women. In the case of Bulgaria, Russinova commented that in the light of certain structural characteristics it exhibits, unemployment has been by far the most serious socioeconomic problem that Bulgarian women have

22 A strict analysis would have to differentiate clearly between the situation in different countries of the former Eastern bloc, as there was a difference between Central and Southern Eastern Europe and the USSR in this respect. My effort here has been to discern themes that emerge from the available literature and apply to the situation at a general level.

been confronting. Not only quantitatively, as unemployed women clearly have outnumbered unemployed men to a proportion that reached 1.2:1 in the early days of transition, but also qualitatively, because female unemployment tends to be long-term (longer than a year) and has typically resulted in the disqualification of women for unemployment benefit collection, or in professional disqualification 'because they are not working in the fields for which they were trained' (Rusinova, 2000: 92).

There is nevertheless a further important aspect which is very relevant in this context and should not be missed, particularly as far as it relates to policies directed to the East but constituted on the basis of discourses engendered by women's movements in the West. Grapard raises it acutely:

To put it another way, women from the East and West are responding to different conversational partners. They come from different theoretical and historical contexts, and they do not necessarily share a common language in which to formulate theoretical frameworks and emancipatory policies. Only when we understand more about the interplay between the three dimensions of gender relations, political theory, and social practices in the West and in the East can we hope to get a better grasp of the tensions and conflicts inherent in the way we talk about the transition and how it affects men and women (Grapard, 1997: 667).

In other words, it is impossible to assume that the material conditions of women's existence for almost half a century (or more) under regimes that retained communism's original egalitarian discourse, albeit in a mummified, as Mandel (1992) once put it, form, did not result in distinctively communist gendered dimensions of ideology (cf. Weiner, 1998), and also equally distinctive 'sexual correlates' of the development of those social formations. The fact that there is an important knowledge gap in this respect that has only just began to be filled in the literature and only with regard to *postcommunism* (see, e.g., Štulhofer and Sandfort, 2005) is, of course, a whole different matter, and certainly not a reason to assume that these ideological structures and the categories they secrete are commensurate between West and East—in the same sense that they are not commensurate from a 'North' and 'South' perspective (Doezema, 1998; 2001).

The effects likely to be engendered by these ideological structures are also likely to enter in the formation of women's *decision* to migrate and consequently on how female migratory practices should be conceptualised. Although an increasing number of studies capture the experience of Eastern European migrant women at the points of arrival, which in many cases are also understood as spaces of stark social exclusion (e.g. in Greece: Baldwin-Edwards, 2004; Lazaridis and Poyago-Theotoky, 1999; Lazaridis and Romaniszyn, 1998; Lazaridis, 2000; 2001; Psimmenos, 2000; 2000; Vaiou, 2006), experi-

ences at the point of departure, which is the point of an original exclusion and provides the context for the decision to migrate are rather less well-documented. If it is generally true that migration is 'a solution to a problem *now* for the generation that was deprived of work' (Nicholson, 2002: 436), it is also clear that the image of migration as a solution while primarily a correlate of sheer economic necessity, it is ultimately an effect of the above ideological structures, and data showing the predominance of female over male migration from former communist countries, as opposed to the gender characteristics of migration from other countries may provide useful clues in this respect. In Greece, for example, Eastern European migrant women clearly outnumber men, whereas this is not the case for women originating from other sending countries (Table 4); the Mediterranean Migration Observatory has noted that this difference could be explained by the fact that Greece attaches the prospect of legal stay in the country with actual employment (MMO, 2004: 12), which, in turn, should be understood in the light of the Greek economy's capacity to actually employ migrants. Evidently, attitudes towards the importance of work are among the range of factors likely to shape not only the decision 'to stay' or 'to go' as well as the imaginary project involved in the decision to go, but also the complex patterns that are involved in migratory practices themselves, such as the number of trips to the immigration countries, return migration and so on (Arrehag et al., 2006; Boshnakov and Mintchev, 2006; Labrianidis and Kazazi, 2006; Nicholson, 2001), and, of course, the means by which actual movement across borders is achieved.

Table 4: Male and female migrant populations by country of origin in Greece, 2001

Origin	Male n	Male %	Female n	Male %
Albania	261,502	59.0	182,048	41.0
Bulgaria	15,058	40.5	22,172	59.5
Georgia	9,980	43.1	13,179	56.9
Romania	13,176	57.2	9,890	42.8
Russia	6,901	37.9	11,318	62.1
Ukraine	3,633	25.7	10,516	74.3
Poland	6,140	45.9	7,238	54.1
Pakistan	10,703	95.7	489	4.3
Turkey	4,338	52.3	3,959	47.7
Egypt	6,087	77.6	1,759	22.4
Armenia	3,648	46.2	4,160	53.2
India	6,876	92.8	533	7.2
Iraq	5,062	70.5	2,126	29.5
Philippines	1,942	28.3	4,919	71.7
Moldova	1,799	30.5	4,099	69.5
Syria	4,464	79.1	1,174	20.9
Bangladesh	4,758	96.6	169	3.4
Former Yugoslavia	1,947	48.1	2,104	51.9
Others	20,762	48.1	23,209	52.8
Total	388,776	56.0	305,061	44.0

Source: National Statistical Service of Greece (ESYE), Census 2002, <http://www.statistics.gr>

Inside the SECI Centre: Mirage and its organisation

The idea leading to the establishment of a the SECI Regional Centre for the Combating of Transborder Crime emerged in the works of the SECI Agenda Committee in the beginning of April 1998, as a proposal of the Romanian delegation regarding the prevention and combating of transborder crime. It was taken up very quickly and by the end of May a working group produced an 'Agreement on Cooperation to Prevent and Combat Trans-Border Crime', which laid out a general framework for police and customs cooperation between the SECI participating countries in the areas of information exchange and assistance in the investigation of cross-border crime (SECI Agreement, 1999). Signed on May 26, the agreement also included a 'Charter of Organisation and Operation of the Southeast European Cooperative Initiative-SECI-Centre (SECI Centre) for the Combating of Transborder Crime'.

The initial signatories were Albania, Bosnia and Herzegovina, Bulgaria, Greece, Hun-

gary, the Former Yugoslav Republic of Macedonia, Moldova, Romania and Turkey, while Croatia and Slovenia joined in November 1999 and August 2000 respectively. With the Agreement having entered into force in February 2000 and after the initial meetings of SECI governing body, called Joint Cooperation Committee (JCC), the SECI Centre was staffed in Autumn 2000 and became operational in January 2001. Additionally, a headquarters agreement (2000) formalising certain privileges of SECI and its personnel was concluded between SECI and Romania in October 2000 (entered into force in April 2001).

Mission, governance and support

It is useful to start by drawing a distinction between the SECI Agreement itself and the Charter regarding the SECI Centre. While the operation of the Centre formally depends on the arrangements laid down by the Agreement, the commitments that the signatory states undertook with the latter could conceivably be fulfilled without the particular need of a special intermediary organisation. Article 2 of the Agreement commits the member countries to 'preventing, detecting, investigating, prosecuting and repressing' transborder crime, and a series of subsequent articles lay down a range of particular procedures with regard to the exchange of information, mutual assistance in police matters and harmonisation of practices between the member police and customs forces. Fulfilment of the obligations undertaken with the Agreement would simply entail the designation of an authority to handle international requests related to these obligations, particularly the exchange of information, relevant documents regarding investigation of transborder crimes, or the organisation of training. Additionally, the Agreement is cautious not to interfere with established instruments to which member states were parties, particularly the Treaty of European Union or the Schengen Agreement on the basis of which a division could be effectively drawn between Greece and all the other SECI states. The caution is confirmed by the fact that special mention was made to the use of already existing communications channels for police cooperation, namely Interpol; both the latter and the World Customs Organisation (WCO) feature in the Agreement as indispensable partners towards the implementation of the Agreement (see art. 2.4).

The SECI Regional Centre was therefore envisaged as an accessory to the Agreement, albeit, given the spirit of practical cooperation between the immediately involved parties that the US wanted to instil in all initiatives emerging from SECI, it was meant as an important one. Just as SECI spawned a number of procedural committees to develop close

working relations between different national public agencies, business interests and so on in areas such as trade, transportation or finance, the call for the creation of good working relations involved in this case police and customs agencies and officials of the different countries. That the intentions for the development of a flexible framework for 'good working relations' (where American presence and application of 'soft power' could work best) were clearly moderated by the very nature of the object of cooperation is nevertheless made clear by the frugal institutional infrastructure laid down by the Charter, a characteristic which should be understood as the result of reservation, rather than desire for flexible cooperation.

Thus the Centre was mostly designed as a hub for the facilitation of relations and exchanges stemming from the Agreement with the use of police and customs liaison officers and provisions for the creation ad-hoc work groups. No hard and fast organisational arrangements for operational cooperation were involved: in fact, the concept of operational police cooperation emerging from the Agreement and the Chapter was one that would typically involve *independent* action by national police forces supported by police intelligence supplied by the other parties. But even in the cases where (police) information pertaining to investigations was to be compiled from different parties and analysed as a whole, previous agreement on procedure was required, and, of course, no provisions were made for a database maintained by the Centre itself. Finally, there was no effort to establish communication channels other than the existing one of Interpol's communications system for the exchange of information. All this suggests that police business at the SECI Centre could not be 'business as usual' in any other sense of the word, as all the parties were acutely aware that the sort of interests involved in it were primarily inscribed into a non-negotiable core of national security concerns, but which be could nevertheless be served better within a regional horizon.

The first characteristic which highlights this cautious approach is the member states' reluctance to grant SECI any more privileges than necessary. This emerged subsequently as an issue, when developments posed the question of the Centre's relation with the EU, particularly with Europol and Eurojust. According to article 42 of the Europol Convention (1995), Europol is allowed to enter into relationships with 'third bodies', defined as international organisations' by article 10.4 of the same Convention, but both the Agreement and the Charter left doubt as to whether SECI was a body possessing international legal personality. Despite SECI's legal department arguing positively in this respect, the Commission's mission that performed an assessment of the Centre in 2004, backed with an opinion from the Council's legal service, could not conclude that the Centre did have

international legal personality, and therefore recommended extensive amendments to SECI's legal framework, even though it did not that Europol or other EU institutions should no be prevented from entering into forms of cooperation other than those regulated by formal agreements (SECI Assessment Mission, 2004).

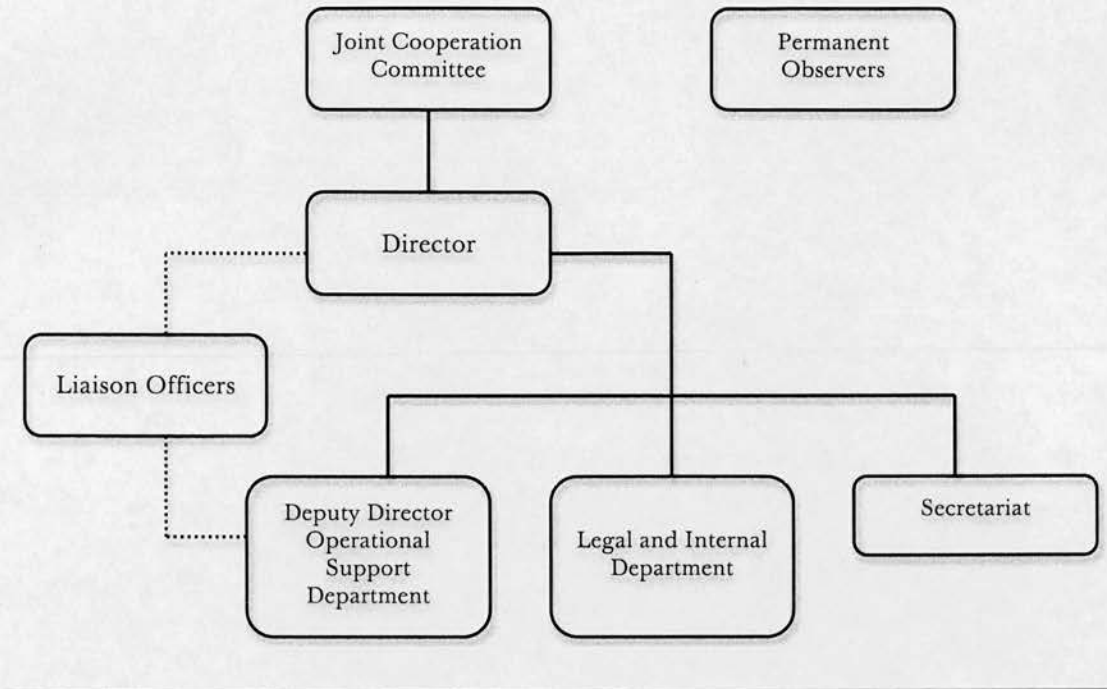
Furthermore, the Agreement did not lay down any robust mechanism for the implementation of its provisions. As mentioned already, SECI's governing body is the Joint Cooperation Committee, consisting of representatives of the member states, who convene at least once a year to deal with a mutually agreed agenda, each having one vote in the Committee. As article 12 of the Agreement states, the JCC's role is to 'ensure the proper functioning' of the Agreement, but the exercise of this role appears to involve 'problem-solving' rather than enforcement. An indication that is very much the case is the lukewarm (or selective) response of the member police forces to exchange requests, a persistent situation which was pointed out to me by several of my interviewees at the time of my visit in 2005. The problem-solving nature of the JCC is perhaps also suggested by the fact that it is complemented by a representative of Interpol and of WCO respectively, as 'permanent advisors'.

In fact, one possible reason for caution not only on the part of its European assessors, but also on the part of the SECI members themselves was that the initial framework, which was pressed to a final form, it should be remembered, in about two months time, involved a regular presence of third parties in the guise of 'Permanent Observers'.²³ The status of the latter was unclear to an extent the EU Mission's report explicitly made a point about the urgency of clarifying their rights and obligations in a future amendment of the legal framework of the Centre, as it found that Observer Countries in fact enjoyed a status identical to that of Member Countries (SECI Assessment Mission, 2004). The special complication that this regular presence involved was related directly with the management and security of data at the SECI Centre, both as it was originally set up, but particularly in the light of plans regarding the introduction of a database at SECI. In this sense, the involvement of the Permanent Observers in the works of SECI was a highly contentious issue for both outsiders and the member states.

The Permanent Observers issue offers an additional clarification to my assertion that most of the restrictions in the Centre's operation were due to the Parties' cautious ap-

23 Both particular countries and international organisations enjoyed Permanent Observer status, among them many EU Countries, Canada and the United States, the International Organisation for Migration, the European Institute for Law Enforcement Cooperation (EULEC), the International Centre for Migration Policy Development (ICMPD) and the United Nations Mission to Kosovo (UNMIK).

proach rather than to technical or financial constraints. In fact, not only all member states undertook the obligation to support the Centre financially, but, additionally, a wider mechanism for financial support was set up, involving the Permanent Observers and other donors and sponsors. The incomes of SECI Centre totalled an approximate US\$1.44 million in 2003, almost double the total US\$757,000 of 2002. Of these, about 32% was contributed from the member countries, with Greece and Turkey contributing proportionately larger amounts (18%, or about \$80,000 each); it should be also noted that each member country is expected to finance its own SECI-related expenses, and therefore the regular annual budget covers the operational expenses of the Centre alone. Thus, the remaining 68% of the Centre's income in 2003 originated from extra-budgetary sources, that is, from donations of the Permanent Observers, donors and sponsors (SECI Assessment Mission, 2004). Among these contributions, it is the sponsorship of the US Government that figures prominently: the US contribution, which was a fraction of the funds the US channel to Southeast (and more widely Eastern) Europe within the assistance framework established by the *Support for East European Democracy* (SEED) Act of 1989, was approximately US\$700,000 in 2003 (from US\$542,000 in 2002). These funds were made available to the Centre either directly or via the agencies of the US Department of Justice (FBI, DEA, INS) which had deployed personnel to the Centre and were supporting the development of the latter's Task Forces and infrastructure (US Department of State, 2003a).

Figure 1: Organisational structure of the SECI Regional Centre

Police work at the SECI Centre

The above characteristics mark in many ways the organisation of police work itself at the SECI Centre. From this particular viewpoint, as it may be evident already, the Parties' reluctance to invest substantively to an initiative that, after all, did not capitalise on previous experience or a process of maturation—as did other comparable initiatives, including Interpol itself (Deflem, 2002a)—but was rather invented, resulted in a minimal organisational structure in which the representatives of the national police forces, the liaison officers, featured heavily. The basic features of the Centre's organisation appear in Figure 1: under the JCC-appointed Director of the Centre, who need not necessarily be an individual with a law enforcement background, the Centre's services are divided in three departments, Operational Support, which is headed by the Deputy Director and also included at the time of my visit an IT officer and a crime analyst, Legal and Internal, and the Secretariat. The Permanent Observers have been included in the graph, as I have explained already their important role and also noted the regular presence of personnel de-

ployed at the Centre. On the other hand, SECI's correspondent national authorities, called National Focal Points cannot be strictly considered part of the Centre's organisation but rather components of the national police and customs structures of the respective member countries. The graph also highlights the special position of the liaison officers, as it is evident that the Centre's operational support is structured around them more than they form part of the Centre's organisational hierarchy.

Stated in a different way, many of the details in the Centre's operations highlight the fact that the liaison officers should be considered not just formally, but also substantively, as an extension of their home, national police organisation.²⁴

Although the Centre occupies several large rooms on the floor of the *Palatul Parlamentului* that houses it, among them conference rooms and the inevitable canteen that offers spectacular views of the *Piața Constituției* and the *Bulevardul Unirii*, the attention of the visitor is drawn immediately to the arrangement of the operations hall where the liaison officers and the Legal–Internal Department are found. Each member country and the US agencies have been allocated their own cubicle (see Figure 2), which is the workspace of the fielded liaison officers, both police and Customs, and is decorated with the flags and coats of arms of the respective national bodies. Although this general arrangement is not, of course, uniquely a feature of SECI, and it serves an obvious practicality, the cubicles do somehow replicate the impression of the border: one enters and exits the cubicles to enter a space of cooperation.

Interestingly, this physical division can also be linguistic as one reverts to the comfort of using their native language once inside the cubicle, while different languages can be heard from the adjacent cubicles. The lingua franca of SECI in the space of cooperation is English:

there are various linguistic groups, ex–Yugoslavs speak their languages, the [support] staff are Romanian they speak Romanian...You can hear the different accents, [but what we use] it's SECI English, SECI–language (Interview with police official, May 2005)

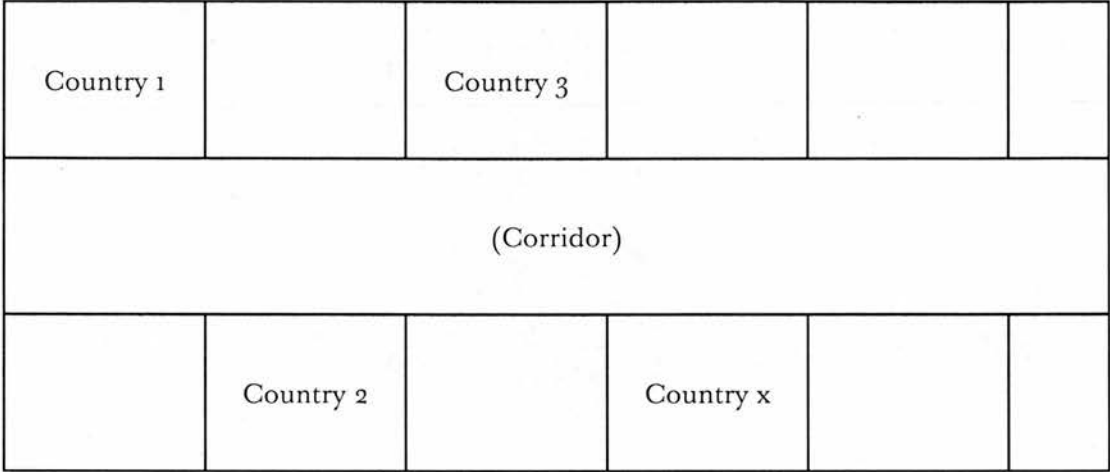
it's important that we discuss together...we don't use [proper] UK English, we use SECI language (interview with police official, May 2005)

Certain practical arrangements stressing national divisions also entered the informa-

24 In what follows, I focus on the police aspect of the Centre's operations. During my visit, I did have the opportunity to become acquainted with the Customs side of SECI, but I had not scheduled any interviews with Customs liaison officers. At any rate, it should be noted that the Customs side of the Centre is less well–developed, as not all member states had fielded Customs liaisons, even by 2005, 5 years after SECI became operational. This also translated in a much less well–developed framework of joint activities in Customs–related investigations.

tional space where the work routine of the liaison often unfolds, such as the use of Interpol's communication system. As noted already, SECI as such did not establish a connection for direct exchange of information with Interpol. Although negotiations for the conclusion of an Agreement to that end were under way, the arrangement that was in place at the time of my visit involved indirect access, or more accurately, authorised access to Interpol's systems by each police liaison as operative of their respective NCBs.

Figure 2: Arrangement of (police and customs) liaison officer's hall at SECI, Bucharest



SECI's initial interim agreement with Interpol provided for the facilitation of this process by means of the technical equipment of the Romanian NCB, without the latter being allowed to review or intervene, or access the information thus exchanged.²⁵ Additionally, SECI Centre officials were not allowed to interfere with the processing of information by the liaison officers or to process information exchange via Interpol for their own use (Interpol, 2005a). So, for all practical purposes, the liaison's cubicle was also an extension of their 'parent' NCB.

I arrived at the SECI centre equipped with James Sheptycki's role typologies involved in 'the police occupation within the transnational knowledge society' (Sheptycki, 2002: 103) and Didier Bigo's analyses on the role of the liaison officers (Bigo, 2000) as sensitising tools for the conduct of my interviews. Although the methodology and scope of my research with those projects are not commensurable, these tools proved relevant at least in the sense of guiding me in those unstructured parts of the interviews at which the

²⁵ This technical mediation was removed after Interpol's transition to the I-24/7 system in 2004 (Interpol, 2005b).

liaison officers talked about the aspects of the job they found most enjoyable and professionally meaningful. All my liaison interviewees came from a detective background in their home organisations, but work at SECI opened up other dimensions of the professional role:

[at the home organisation] are very satisfied with SECI...it's a good tool...as different channels exist, the people at home choose the liaison who is personally known to them and trusted...I'm proud to work here (interview with police official, May 2005)

Professionally, SECI is great...the biggest benefit is that you get to know the region from a different procedure...you get to know how the others work, if they work, the pros and cons...my professional future depends on knowing the region and when I'll go back I'll know much more (interview with police official, June 2005)

I am very independent...my role is to organise and control to some degree the national units to cooperate...I have to know and I do know every bit of [my home police organisation] (interview with police official, June 2005)

Nevertheless, if 'a more profitable way to construct an understanding of police occupational subculture is to build up the concept from basic, and observable, features of police work' (Sheptycki, 1998b: 58), then the very basic and observable feature of police work at the Centre, beyond its physical, linguistic or technical indications (which possess at any rate a symbolic aspect) was exactly the persistence of the idea of *service of the national interest*, as prescribed by the parent organisation, as the single most important legitimising factor of an officer's presence and activity. The theme constantly and repeatedly arising during my interviews was exactly that of unity and trust, or the effort to build trust, to an extent that the constant invocation of the word served as a reminder of the constant presence of a factor, or of a dictate *actively* undermining the actual existence of such condition. In fact, my decision to replicate the vocabulary of 'SECI family'—a term I became acquainted with within hours of my arrival at Bucharest—at appropriate points during my interviews did yield certain enlightening results:

liaisons play a role as country representatives in SECI...[gives an example of a case where security interests of his country would be affected by the sharing of information]...what would be the point in helping in this case?...I'm sure you've come across the words SECI family, police family. We're good professionals, but family is too much...trust building in the region is problematic because of the history (interview with police official, June 2005)

It is evident, therefore, that when this particular dimension is taken into account, the pursuit of the theme of the subculture of transnational policing runs the risk of becoming

ing an uncertain venture. According to James Sheptycki, 'the technological and legal infrastructures and the political and managerial regimes, all...are forms of knowledge production. The intersection of these vectors creates a space of tension requiring collective response. It is that collective response which counts as an occupational subculture' (1998b: 60). The tacit assumption here appears to be that the response to the tension created by the various types of regimes that apply to the professional exigencies of the police occupation must be at all times functional to the performance of the occupational role itself. But this characteristic of continuity in functional terms, which is, in the final instance, the quintessence of the logic of subculture, is rather disaffirmed by glaring gaps and discontinuities engendered by the filter of national interest, which in the space of transnational policing primarily assume the form of *silence*: the omission (not failure) to respond to the other party's request for cooperation.

There is obviously no doubt that the member states saw fit to initiate a platform for cooperation, and, additionally, SECI did constitute a mechanism dealing with a significant number of requests for information and assistance. But the gaps and silences should be taken into account: not all member states fielded liaisons, and not all states proceeded to adapt the organisational structure of their police organisations in accordance with the Agreements provisions regarding National Focal Points. More significantly, SECI's overall performance in clearing up requests for information (which include negative responses, too) remained at the modest level of 46% (SECI Assessment Mission, 2004).

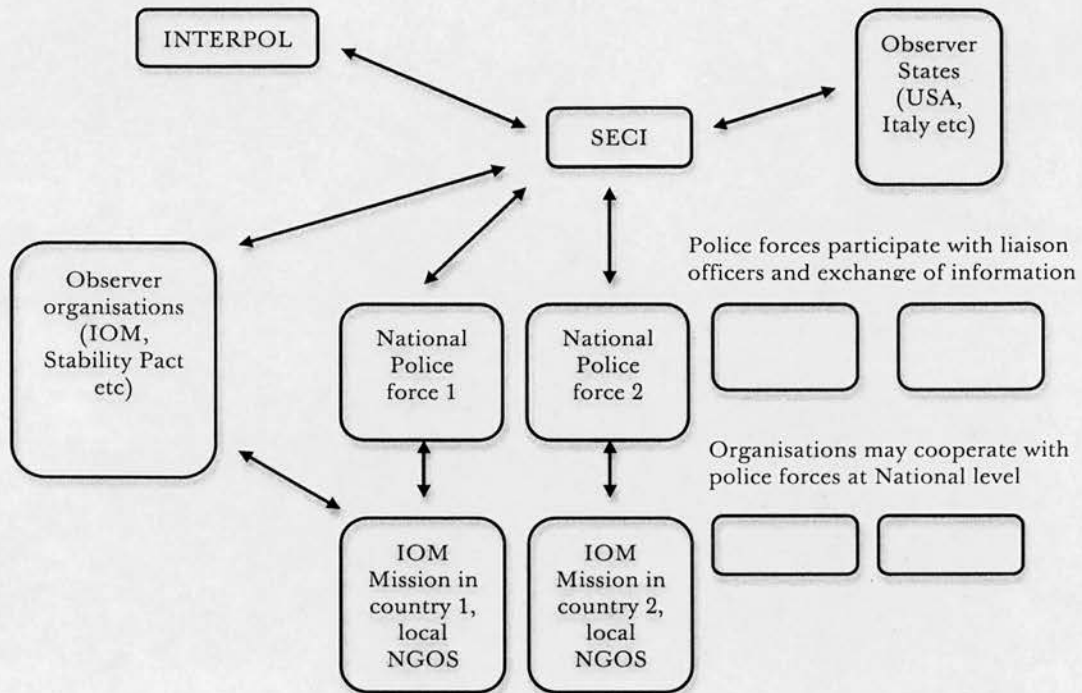
Implementing the Mirages: structure, problems, results

In the light of the above analyses, it is now possible to return to the examination of the Mirage Operations from the more particular view of their organisation and results, continuing from the opening section of this chapter. At the time of my fieldwork in 2005 Mirage had already been abandoned, and plans for subsequent activities only reflected an intention to 'transform it on a permanent basis' and make it 'more concrete, more focused' (interview with police official, May 2005). As a result, my interviews effectively captured a reflective mood that effectively moderated the Operations' presentation in the evaluation reports or other publicly available SECI documents as an unambiguous success (SECI Regional Centre, 2003; 2004; n.d.).

Mirage involved a fairly straightforward plan of implementation, but its background reflects the complex balance of forces, influences, intentions and constraints that enter into the very existence of SECI as a police cooperation centre. Figure 3 offers a visual

form of the structure of Mirage, in order to assist the discussion of its different aspects that follows.

Figure 3: The Mirage Operations network



Beginning from work at SECI, the preparation of Mirage reflects the nature of the Centre as a point of convergence of different national police forces that in addition sought to preserve their difference while participating in the process of working with each other. As noted above, SECI's work on particular issue areas involves 'Task Forces' (TF), which are specialised, operation-oriented joint comprising police or customs officers (National Coordinators) accordingly, as well as representatives of the Observer countries and international organisations associated with SECI. General guidelines have been laid down by the JCC, that regulate the procedure for the creation and coordination of the TFs as a responsibility of particular member states, which must therefore assign personnel (the Task Force Coordinator) for the task. Practically, the Coordinator is responsible for the procedural aspects, whereas in substantive terms, the work of a TF involves meetings where its members exchange information and review the regional situation in the issue area. Nevertheless, the emergence of particular regional operations out of the works of TFs has been seen to constitute an extension of the original idea of SECI,

since the TF does not merely facilitate information exchange, but rather plays a coordinative role in the conduct of these operations (SECI Assessment Mission, 2004: 34). Yet the nature of this coordinative function needs to be qualified.

The Task Force on Trafficking in Human Beings and Illegal Migration, which developed the idea of *Mirage*, was a Romanian initiative (and therefore convened by a Romanian Coordinator), and it was among the first of the seven TFs currently operating at SECI (SECI Regional Centre, 2003). The idea of *Mirage*, as noted already, involved the elaboration by the members of the TF of a regional action plan that set out the general objectives of the operation and delegated the responsibility of the elaboration of particular national action plans to the particular national police forces. Evidently, substantive command of the process could not be, and was not placed to SECI, but rather remained at all times within the operational realm of the national police forces. As *Mirage* was planned as a 'one-time' ('one-off') action, the most prominent aspect (but already an achievement) of the regional plan was exactly the setting of the timeframe for the conduct of the national operations which unfolded in parallel. It appears, therefore, that TF coordination reverted by and large to the original concept of the facilitation of the exchange of information from a central point. It should also be added that the liaisons officers' margin of involvement in the preparations are defined in this respect by the National Coordinators, as supervisors of the former, and as the main decision makers in the process. Returning to Figure 3, the arrows connecting the different components of the *Mirage* structure should be properly understood as information flows, rather than relations of command and control.

It is now a good time to pose the question of the role and participation of the Observer States and third parties. Firstly, the point of interest obviously gravitates around the American role in the development of *Mirage*, which is naturally underscored by the fact that, in 2002 for example, US\$200,000 of the US assistance to SECI were injected directly into the organisation of the *Mirage* Operation (US Department of State, 2003a), while the American personnel deployed at SECI was already helping with the development of both the Task Force and the action plan. The question of the American involvement is generally a rather obscure point, as I had not scheduled any interviews with US agents, nor was I able to arrange interviews during my visit.²⁶ If the Commission's report provides a measure, there is no reason to assume that my efforts to investigate the matter would have been successful. At any rate, the preceding analyses already provide a plat-

²⁶ The very fact of the US agencies' presence at SECI became clear to me only at the time of my visit.

form for the understanding of the US role, in which the question of involvement as such occupies a secondary place. Let me explain.

Mirage emerged at a time when the international American effort to enforce the new international anti-trafficking regime was already escalating: firstly, both the UN Convention on TOC and the US Victims of Trafficking and Violence Protection Act of 2000 were already in place and provided a basis for the articulation of monitoring and implementation mechanisms by the American diplomacy and law enforcement agencies. SECI therefore, provided an immediate point from which these efforts could unfold effectively in the region of Southeast Europe. This aspect of the conjuncture is highlighted by the fact that in the first Trafficking in Persons Report of the US Department of Justice all SECI states failed to meet the American assessment criteria (US Department of State, 2001), and therefore additional pressure was applied on them (see Table 5, for an overview of those countries' TIP Report 'career'). Active American support for the anti-trafficking TF has been therefore a step towards the direction that the US foreign policy on this issue area had already taken. On the other hand, in the light of the American interest, and since the member states of SECI had already taken the step to involve themselves in a cooperative initiative of this nature, the idea of Mirage, conditioned as it was by the given structural constraints of SECI as a strictly intergovernmental police organisation, presented 'good value', as the objectives of Mirage could be embraced and thus supported by the US and also various third parties involved in the global anti-trafficking campaign. But if this view is accepted, it essentially means that the question of the exact balance of forces that shaped SECI as an organisation can be resolved only by means of a thorough investigation of those developments that shaped the strategies of the national police forces, at their respective national level. This also involves the strictly organisational aspects of Mirage, even though the American involvement in the inception and implementation of SECI as a project means that fundamental assumptions and paths for action more directly attributable to the US agencies' 'way of doing things' were already effectively inscribed in SECI's procedures.

The above view is corroborated by the consideration of third parties, namely IOM's involvement in the organisation of Mirage, which is based on the MoU that has been concluded with SECI. Both centrally at SECI, and in the individual member countries, the services of IOM are only peripherally involved in the actual conduct of the operations. The Organisation, which also provides a focal point for a number of NGOs, maintains a role in assisting victims, by providing support after their recovery and during the process of investigation, trial, repatriation and so on. But this position at the periphery of

police action as such, corresponds, in the case of IOM, a much more central position in the conduct of the campaign towards the induction of the global anti-trafficking regime to national institutional frameworks. It is from this position that the strategies of transnational actors, including IOM, enter the determinations of police activity:

in 2001 the police believed that it was all about prostitution, gullible immoral women, so they were indifferent to the moral issues. IOM revealed the extent of the phenomenon...there were changes in the national law towards the prevention of trafficking, the American model and Palermo (interview with IOM representative, June 2005).

In other words, the Romanian initiative for the creation of an anti-trafficking task force relayed in the domain of SECI the results of successful conduct of a national campaign for the implementation of the dictates of new global anti-trafficking regime. This once again suggests that the investigation of the forces that shaped the particular characteristics of *Mirage* should take into account developments within the particular national contexts of the respective countries.

But what about trafficking itself? I have noted already that SECI's reports presented *Mirage* as a success against the organised crime trafficking networks operating in the region, and it is true that in some cases the Operations did result in the effective suppression of active traffickers in particular countries, and to a lesser extent of their accomplices in other countries of the region. Not all of my interviewees were prepared to entertain a monolithic imagery of sex trafficking as an organised professional enterprise:

...the activity is more entrepreneurial rather than organised...the recruiter might not know anything about the destination or the nature of the work to be done there...there is little money involved in the initial investment, what you need is some expenses for the travel documents, maybe support for the family that is left behind (interview with police official, June 2005)

The above image is quite clearly reflected in what is known about the results of the *Mirage* Operations. SECI has publicised successful cases against traffickers, but did not, as a rule, give detailed analyses of the results of the *Mirage* Operations. Nevertheless, both the summaries, and the EU Mission's more detailed assessment of the Albanian *Mirage* 2003 have shown that there have been significant differences between the results of the police operations, that is, the yield of identified suspects and potential or actual victims of trafficking, and the final outcomes achieved when the judicial procedures (prosecutions and convictions are taken into account. On the other hand, the reported results are significant as far as illegal migration and associated offences are concerned. Overall, *Mirage*, 'despite its declared aim, mainly tackled the offences of forgery of docu-

ments and illegal border crossing, whilst the impact on the targeted objective of trafficking in human beings was limited' (SECI Assessment Mission, 2004: 36).

What the above results essentially suggest is that the issue of trafficking served as a platform for the implementation, on the part of the police apparatuses of the region, of class strategies whose substantive content and strategic horizon involved migration, the regulation of the population flows related to the outlook of the regional labour market and the respective needs of the ruling classes of the member states. As one of my interviewees put it:

the people need to work and there is no work...The critical issue is work and the exploitation of labour. Trafficking of women is a category of this... It is not prostitution that is critical, it could be any kind of work...work is important, prostitution is not (interview with police official, June 2005)

Table 5: US Dept of State TIP Report Tier placement of SECI countries, 2001–2006

	2001	2002	2003	2004	2005	2006
Albania	3	2	2	2	2	2
BiH	3	3	3	2	2	2
Bulgaria	2	2	2	2	2	2
Croatia	n/a	n/a	2	2w*	2	2
FRYugoslavia	3	2	2	2w	2	2
FYROM	2	1	1	1	2	2
Greece	3	3	3	2w	2w	2
Hungary	2	2	2	2	2	2
Moldova	2	2	2	2	2	2
Romania	3	2	2	2	2	2
Slovenia	2	2	2	2	2	2
Turkey	3	3	3	2w	2	2

* Tier 2 Watchlist

Source: US Department of State, 2001; 2002; 2003c; 2004; 2005; 2006

Policing sex trafficking in Greece

The preceding section has made clear that the explanation of a range of issues underpinning the asynchronies and contradictions of transnational policing at the international level, and more specifically at the level of the international police organisation, should be sought at the level of national policing. In this section, therefore, my aim is to approach the Mirage operations from the viewpoint of their gestation and implementation within a site of national policing. I have already offered some general justifications for the choice of Greece as a potentially powerful case for the illustration of the dynamics involved in the development of transnational policing, and these should be now put in full perspective.

Although contemporary Greece does feature an active academic community of criminologists, the country has received relatively little attention in the sociology of the police internationally. This situation can be understood in connection with the particular levels of development of police scholarship (Lambropoulou, 2005; Papanicolaou, 2006). Policing in Greece has been highly politicised and partisan. This has meant that even when the historically left-leaning Greek social science was not deemed politically suspect by definition and thus denied research access, it was itself likely to dismiss questions of policing as pertaining to the supposedly invariable and hence uninteresting repressive core of the state. The survivals of this historical course are still felt today firstly by the disparaging scarcity of older studies in policing, with the exception of a few interesting, but isolated vis-à-vis the wider social sciences, texts produced by former police officers (e.g., Stamatis, 1971; Zianikas, 1990). And on the other hand, the lack of an explicitly sociological problematisation of police activities has perhaps contributed not only to the preservation of a blatantly inadequate system for the collection and reporting of recorded crime by the police authorities (Papanicolaou, 2003; Spinellis and Kranidioti, 1995; Spinellis, forthcoming), but also to the meagre availability of information on the policies and activities of the police. As a result, those who research the police in Greece, apart from using whatever other open sources are available, such as press releases and reports or parliamentary documents and minutes, regularly take recourse to informal contacts in order to obtain in depth information about particular topics (see, e.g., Antonopoulos and Winterdyk, 2005; 2006). I have explained my own, similar approach here in the methodological section of the introduction.

Nevertheless, research interest in Greek policing has increased significantly from the late 1990s onwards, resulting to a series of publications about the history and organisation of the main state police force since 1984, the Hellenic Police, and Greek policing in

general, both in Greek (Papakonstantis, 2003; Stergioulis, 2001; Vidali, 2007), and in English (Lambropoulou, 2003; 2005; Papanicolaou, 2006; Rigakos and Papanicolaou, 2003). The net result of these efforts is an illustration of the fact that the development of Greek policing has been linked, from the viewpoint of policy and organisation, with the wider international developments in security policies and systems of organisation and co-operation; and from the viewpoint of the sociology of the police, that the general characteristics of and trends in policing witnessed in other western countries also apply to Greek policing, albeit in ways that reflect the particularities of the Greek national reality and relations between state and society (Papanicolaou, 2006; Rigakos and Papanicolaou, 2003).

The preceding remarks were necessary for stating clearly the problematic of the analyses of this section, and involve the conditions under which Greece was able, within the structural contours of imperialist politics, to articulate a uniquely national response to the question of sex trafficking, and the sex industry in general. The years between 1996 and 2006, on which I focus, have been extraordinary in many respects, as the activities unfolding in this previously marginal and obscure area of Greek social life involving commercial sex were firmly registered in popular and public discourse, and were brought to the forefront of policy agendas. Changes in prostitution and, more generally, the commercial exploitation of sex attracted interest among social scientists, and were brought under the scrutiny of diverse governmental and private bodies in Greece and abroad. The advent of the conceptual framework of the anti-trafficking regime redefined them as important public security and social policy issues and also became the object of several public interventions, which, as far as criminal law was concerned, interrupted a fifty-year long legislative silence on the matter.

Comparing the situation at the extreme points of the decade 1996–2006 highlights the problem I want to discuss. The departure point, 1996, is the year during which awareness toward the change of conditions in Greece's sex markets arose from virtual non-existence; this is suggested by some first official activity, and, perhaps more significantly, by initial feminist NGO activity (CEDAW, 2001), all preceded by a blatant absence of research and public discussion on organised crime and human trafficking, and a limited number of studies on prostitution, including folkloristic and epidemiological ones (Hatzis, 1980; 1993; Magganas, 1994; Petropoulos, 1991; see also the bibliography compiled by Lazari and Laliotou, 2001). At the end-point, 2006, one cannot but notice the regularisation of the association of trafficking, organised crime and prostitution in criminal policy discourses (e.g. Hellenic Police, 2006), including criminological research and

discussions (Lazos, 2002a; b; Sykiotou, 2003), complemented by official actions such as 'ILAEIRA', a wide-ranging operational plan launched by the Hellenic Ministry of Public Order to target human trafficking (Ministry of Public Order, 2006); given the former development, 'ILAEIRA' has been primarily understood as action against sex trafficking (Tsoumani, 2007).

Around the mid-point of this course, the direct or deflected effects of strategies implemented by a diverse range of national, international and transnational actors contributed to the heightening of what Keohane and Nye call 'institutional velocity'—'how rapidly a system and the units within it change' (Keohane and Nye, 2000: 114); a complex balance between these diverse social forces engendered a sequence of events that recodified the institutional meaning of that illegality: at the beginning of that sequence in 1999, the reform of the legislative framework on prostitution preserved a traditionally detached regulatory stance towards an undesirable—albeit 'inevitable'—marginality; at the end of that sequence in late 2002, the new anti-trafficking legislation embodied, surprisingly, a commitment to aggressive repression of an apparently strategic security risk.

What is intriguing in this course is exactly the unevenness of the processes which, uniquely combined, engendered the Greek response to the problem of trafficking. The transnational advocacy of the anti-trafficking regime, unlike other countries, did not build upon an existing repository of knowledge about either commercial sex, or organised crime: criminological knowledge on these matters was virtually non-existent in 1996. But even today, relevant knowledge remains scant: it is rather the case that the advocacy of the regime *imported and applied* the necessary conceptual tools to establish and support an *ideological knowledge* of the phenomenon. Furthermore, the official response to the pressures thus generated were, on one hand, constrained by the organisational and other structural limitations of the Hellenic Police apparatus, and, on the other, perhaps more importantly, they were not underpinned by a concern towards the phenomenon as such, but by wider strategies of control at national and regional level. Essentially, I argue, the implementation of the new trafficking regime has acted as a *lubricant* towards the adaptation of Greek state policing to the interests of the ruling power bloc in Greece within the late imperialist environment and its security demands.

The anti-trafficking regime in Greece: advent

The sequence of events which carried the process by which a new regulatory regime on prostitution and commercial sex was erected in Greece begins around 1995–1996. It is

possible to distinguish three general phases, which generally correspond to the phases of the international development of the new trafficking discourse. On one hand, the years after 2004 were those during which the exact significance of what had been accomplished in the preceding decade began to emerge, whereas the period between 2001 and 2003 was one of exceptional 'institutional velocity'. The years between 1995 and 2000 can be then characterised as a period of gestation, during which one encounters the first official, but, more significantly, non-governmental and feminist organisation reactions to perceived changes in the ethnic composition of prostitutes in Greece. The importance of this particular period lies not so much in the (very) real changes in the numbers and national origins of those working in the sex industry, but rather in the gradual establishment of the conceptual lenses through which these changes were understood. It is exactly this particular movement that concerns me in the present section and I enter here a discussion of the diverse, transnational coalition of forces involved in it up to the point of the introduction of the new anti-trafficking legislation, Law 3064/2002.

Prostitution and its regulatory framework

In correspondence with the first part of this chapter, it is useful to begin with an overview of the regulatory framework that applied to commercial sex in Greece up to the last decade of the 20th century. In partial divergence from international trends, Greece's course in the regulation of prostitution was not one from regulationism to abolitionism, but rather one from 'classical' to a more relaxed version of regulationism after the 1950s, a system which formally is still in place today. The system introduced immediately after the establishment of the independent modern Greek state shared the characteristics of continental regulationism (Corbin, 1990; Harsin, 1985), in line with a series of institutions which the Bavarian Regency transplanted in the new state, including a policing system featuring a Gendarmerie and municipal police forces.²⁷ This early system which was kept in place with little changes up to 1955 involved the brothel as an enclosed milieu where registered prostitutes were confined to work under constant supervision of the authorities, and arrangements for regular medical examinations of the women regardless of their status as 'common' ('full-time') or 'free' ('freelancing') prostitutes (Koutsoumaris, 1963;

27 Certain references to the historical development of Greek policing are necessary in the context of the present analysis. Given the language barrier, the English reader is referred to Rigakos and Papanicolaou (2003), who provide an extensive account. The most comprehensive account of this development, which is also generally compatible with the analytical lines I follow here, is Vidali (2007). For a well-known account of modern Greek history with an emphasis on social development and politics, see Tsoukalas (1969).

Petropoulos, 1991).

This legislative framework followed the general guise of regulating prostitution under considerations of public health and protection from venereal diseases. Thus, the general rule in Greece has been that prostitution has not been illegal in principle, whereas associated activities, such as pimping and procurement, have been criminalised by criminal law. 'In principle' means that the legislation regarding prostitution has always provided for special penal sanctions for violations of the specified conditions under which an adult individual could engage in prostitution. The result was a very thick net of controls, which pertained not only to prostitution, but to the morality of females in general. Until 1922, the decision about the classification ('characterisation') of women as 'common' or 'free' had been exclusively or predominantly the competence of the police authorities, which often went to extremes in order to protect '*mores* and public health' by effectively harassing any woman they perceived as 'indecent'. A possible result in these situations, besides the obligatory medical examination, was that the woman involved always ran the risk of being characterised as 'common' and thus sent to a brothel (Koutsoumaris, 1963: 9). Public brothels of every form were abolished in two steps between 1955 and 1960, as L.3310/1955 and the subsequent L.4095/1960 introduced a system according to which prostitution could be exercised only in licensed private premises; the obligation of registration and medical controls was kept intact and under the responsibility of the police and of public health authorities respectively (Lazos, 2002a: 65–69). The regulatory framework laid down since 1960 remains in place under the current L.2734/1999, with the difference that the latter piece of legislation was introduced explicitly as legislation pertaining to 'prostituted persons', who need not be exclusively women, as was the case previously.²⁸

As Emke-Poulopoulos (2001: 64) notes, the stigma associated with prostitution led many women to practice prostitution without undergoing the obligatory registration process, at the risk of being arrested and prosecuted. Still, the contours of illegality were also determined by the obligation to practice in licensed premises, and according to the conditions the law attached to the issuing of the licence; therefore, the legal framework created the conditions for the creation of numerous grey areas, not only in a legal but also in a spacial/geographical sense. As it is evident from the above description of the regulatory framework, the police enjoyed an extremely wide discretionary margin in implementing

28 Additionally, the Law introduced particular geographical and city planning criteria for the licensing of premises, as opposed to the condition of '12 licenced premises per police precinct' rule included in the 1981 legislation. The new provision has been criticised even more intensely as a factor promoting illegal prostitution (Emke-Poulopoulos, 2001: 65; Lazos, 2002a: 76).

controls, since a woman encountered in suspect places could be interrogated or harassed. This was even more the case with the eventual diversification of commercial sex outlets, such as bars, hotels, parlours, all of which catered for particular segments of clientele, and yet their operation was illegal.

From the single (quasi-)systematic account of prostitutes' experiences available in the literature before the 1990s, Hatzi's (1980) set of eleven interviews of women working in prostitution, emerges a very grim picture of prostitution control in late 1970s Greece, which confirms not only the above situation, but also the additional police controls imposed on prostitutes with the pretext of enforcing prohibitions of activities associated with prostitution.²⁹ Obviously, the prostitute is in a much better position to provide information about pimps and procurers, and Hatzi's interviewees gave a clear picture of how this logic has been a constant component of police harassment, besides prejudice, sexism and outright violence.

Finally, as regards the social characteristics of prostitution before the 1990s, available accounts are of great value, but clearly limited; additionally, there are not official statistics or other data available on the subject. The prominent Greek folklorist Elias Petropoulos, to whom we owe some unique and rich accounts of the Greek underworld, produced a special study covering the relations, customs and parlance of the world of prostitution from the old regulationist brothels up the late 1970s; his account of brothels under regulationism reveals an underworld of prostitution which parallels in some respects Rosen's (1983: ch.6) account of the subculture of American late 19th century prostitution. Koutsoumaris's (1963) booklet does include series of numerical data carefully compiled by the author himself, during his long service in the Athens police and as Head of the General Security (Directorate) in Athens.³⁰ The author reports the number of prostitutes as recorded by the Athens police (1,242 in 1922), and also discusses data collected in the 1920s and 1930s which confirm that the majority of prostitutes in Athens were women of working class origin.³¹

The image of Greek prostitution before the 1990s is, therefore, one of a marginal area of social activity, overall. This is not to deny the existence of a sex sector in Greece, about

29 For reasons having to do with the economy of the text, a more detailed description of the criminalised activities included in the Greek Penal Code will follow in the section discussing the anti-trafficking legislation of 2003. This is because the law technically amended existing crimes or added new ones in the same Chapter of the Penal Code.

30 It appears that Koutsoumaris was a fervent supporter of abolitionism and his 1963 booklet is in fact the text of his report at an 'International Conference on the Abolition of Regulationism', held in Athens, September 1963.

31 I shall come to Lazos's account (2002a) of prostitution before the 1990s in my discussion of the results of his research as a whole in a subsequent section.

which, however, we possess little information. Neither is it in any way to downplay the significance of the feminist movement in Greece, whose activities did in fact lead to a thorough modernisation of laws pertaining to family and gender relations, as well as heightened public policy priority to women's issues after the Socialists came to power in the 1980s; additionally, indications of the sex workers movement are clearly recorded in Hatzis's set of interviews. But in contrast with the feminist movements of other countries, especially in the West, the Greek feminist movement does not appear to have been able to engender a particular research programme for Greek social science in any of the known established directions in the literature internationally. An indication of the absence of such development is, without doubt, the preservation of a traditionalist regulatory framework for prostitution whose general lines persist until today.

Emergence of a new discourse about prostitution: 'modern slavery'

The preceding discussion thus specifies the point from which, around the mid-1990s, a new discourse about prostitution and commercial sex began to emerge: to put it bluntly, a situation of very limited knowledge about the economic and social dimensions of the sex sector overall, and of relatively better levels of niche knowledge, mainly of epidemiological interest, about the condition of prostitutes who could be contacted, or about whom information was accessible via existing arrangements of medical inspections (see Lazari and Laliotou, 2001). The 1994 EUROPAP³² report of Greece, noting the lack of solid statistical data about prostitution given the absence of a central monitoring service, used data from venereal disease clinics and information from the police and prostitutes to provide a description of the situation at that point: according to the report, there were 190 licensed brothels and 400 registered prostitutes in Athens, whereas the numbers for other cities and rural areas were significantly lower. Additionally, according to police information, there were 70 (illegal) massage parlours in the area of Athens. The overall number of unregistered prostitutes in Athens was estimated around 5,000; additionally, a 'large number' of male sex workers also operated in various part of the city, but they had 'never been an issue for the Vice Squad' (Roumeliotou and Kornarou, 1994). Furthermore, the report included the results of a local study of registered prostitutes in Athens,

32 Europap is a network across 18 Western and Central European countries, linking over 400 specialist health projects, sex workers' projects and social support programmes. The members of the network include health and other project staff, sex workers and academics across Europe working on HIV prevention and other health and safety issues. The network shares information and experience in order to promote best practice in local projects (www.europap.net).

from which emerges an image of prostitutes' life as one marred more by the lack of social insurance, exorbitant medical fees for treatment by private doctors and trouble with the Vice Squad rather than violence and disease. Nevertheless, the report did note changes in the social organisation of prostitution, which also involved foreigners:

Prostitutes in Greece say that they do not have any pimps. Of course, we do not see any pimps matching the profile of the old pimp in Troumba [the Piraeus prostitution quarters] but most of them have a man (lover or husband) who fits the typical image of the 'lazy bum', and who is supported by them. The Albanian prostitutes are usually involved in 'protection' networks, whereby some man takes all the prostitutes' money. If he is deported his position is immediately taken by another man belonging to the 'protection' network (Roumeliotou and Kornarou, 1994).³³

Such changes in the sex industry, and the influx of foreign women at that point can be understood not as an isolated phenomenon, but as integral part of a wider trend in the participation of migrants in the labour market and Greek society in general, especially after the political changes in Eastern Europe. Levels of migration to Greece had been low historically, and in the 1970s and 1980s they were fuelled primarily by return migration of Greek people from Western European or other countries that received the earlier large Greek migratory wave in the 1950s and 1960s. Additionally, the numbers of EEC nationals or others who, on the basis of bilateral or multilateral agreements, entered Greece legally for work or as refugees and asylum seekers were also relatively low. Although official data and estimates vary according to the source, the population of foreign nationals (legally) resident in Greece was around 200,000 in 1989 (Linardos-Rylmon, 1993; Petriniotis, 1993). But the situation changed dramatically after 1989. The sudden change in the influx of migrants had already been registered in popular discourse as early as the late 1980s, with the arrival of large numbers of Greek expatriates (Pontians), after the Soviet Union had relaxed regulations concerning travel abroad. The stereotype of the 'Russo-Pontian' emerged largely because of the various integration problems these expatriates were facing. Yet these people were not only of Greek ethnic origin, but were also in their vast majority legal migrants, who entered Greece with valid travel documents and enjoyed a special status leading to 'fast-track' naturalisation after legislative changes in 1991.

The vast majority of migrants to Greece after the late 1980s have not been of Greek descent, a characteristic which gave rise to a unique situation in the country's history.

³³ Quotations from publications or interviews in Greek in this chapter have been translated by the author this work.

Firstly, Greece was transformed suddenly from a sending to a receiving country, and a long historical pattern was thus brought to an abrupt end. Secondly, the vast majority of migrants were Eastern Europeans, particularly Albanian nationals, who entered the country and its labour market illegally. Thirdly, the Greek economy was, in fact, in a position to occupy the migrants primarily in low-status, low paid jobs in the primary and secondary sectors of the economy, or, especially in the case of women, domestic services, and could increasingly do so throughout the 1990s, as it was set on a course of convergence with the European average. However, Greek society itself, and the Greek State were thoroughly unprepared for the vast social—but also political—changes these developments entailed. Not only was the country's legislative framework inadequate and was hastily reformed in 1991, but there was a marked absence of infrastructure to monitor, even to a degree of approximation, this sudden influx, and, consequently, to control it.

Quite characteristically, the estimates about the numbers of illegal migrants have varied wildly. The Greek Ministry of Public Order estimated that the number of illegal migrants in 1990 exceeded the 100,000 mark, whereas the Ministry of Employment produced an estimate of 30,000. Two studies in 1993, using various sources, gave estimates varying from 180–260,000 (Petriniotis, 1993: 37) to 280–350,000 (Linardos-Rylmon, 1993: 19). On the other hand, the Greek state's strategy towards the situation hardly went beyond fire-brigade style management, and more particularly it involved purely police responses that were as repressive as they were unsystematic. The Greek state's favourite measure, implemented exclusively by the Hellenic Police, were the so-called 'sweep operations', involving mass stop and search operations in public places, whereby any numbers of undocumented migrants arrested would be then forwarded to the border for expulsion (see, e.g. Petriniotis, 1993: 16). Linardos-Rylmon's study, referring to a Ministry of Public Order source, reported 167,204 repatriations of Albanian nationals between 1991 and June 1992 (Linardos-Rylmon, 1993: 16), whereas Karydis (1996), quoting a press source, reports that a total 948,956 Albanian nationals were thus repatriated ('re-forwarded') between 1991–1995. Lambropoulou later reported that between 1990 and 1996 about 1.1 million Albanians were deported by the Greek authorities (Lambropoulou, 2000). The desperate nature of the measure is somehow underscored by the degree of cross-border mobility of those repatriated, particularly of the Albanian nationals who would simply cross the border and return to Greece.

It is therefore important to note certain qualitative characteristics of the migrants' participation in the Greek labour market. Firstly, illegal migrants have been a reserve of cheap labour, which could be employed profitably *and* be held at ransom, since a simple

report to the authorities by the employers themselves could lead to an individual's arrest and expulsion. As noted in the early report published by the General Confederation of Greek Workers (*ΓΣΕΕ*—Greece's equivalent of TUC):³⁴

the extension of illegal foreigners' employment in Greece has been combined with the spread of the black economy and in particular with the infringement of workers' rights and of the relevant legislation. Illegal foreigners constitute a cheap workforce used in those economic sectors where the trend towards a partial or total infringement of labour and social security laws is already obvious as well as in those branches where cheap labour could offer new possibilities not existent before...It has been estimated that the contributions' evasion, due to the illegal work of foreigners reaches about 100bn drachmas per year (Linardos-Rylmon, 1993: 62, emphasis added)

Secondly, the entry of these populations has been associated with the formation of new relatively isolated social spaces, particularly in central areas of Greece's urban centres, where migrants congregated in search of housing, relative security from the persecution of the authorities, and easier access to employment.³⁵ Iordanis Psimmenos (2004; 2000), in his seminal 1995 study of the living conditions of migrant workers in Athens under a general problematic of social exclusion, has understood these areas of congregation as *periphractic spaces* (fenced-off spaces): hidden from the public eye and organised around the places where downgraded mass accommodation could be found, such collective spaces were 'an amorphous environment full of physical and moral humiliation and unable to care [sic] for the physical, spiritual and emotional needs of the population' (Psimmenos, 2000: 92). This situation of social isolation uncovered ethnographically by Psimmenos's and subsequent studies in other cities (e.g., Labrianidis and Lyberaki, 2001; Lazaridis and Romaniszyn, 1998) confirmed, complemented and substantially enriched the bird's eye view of *brutal* economic exploitation of migrant labour reported early enough by the Greek labour movement (Linardos-Rylmon, 1993).

But these wider dimensions of change in Greece's workforce and the reconfiguration of relations in the labour market *were not registered in discussions about the sex industry*, even though the same stream of ethnographic research supports the idea that adult migrant women in the sex industry followed homologous trajectories within Greece's new periphractic spaces (Lazaridis and Romaniszyn, 1998; Lazaridis, 2001; Psimmenos, 2000). Rather, questions about the participation of foreigners—migrant women—in commercial

³⁴ For convenience, I will be using the transliteration of the Greek acronym in the remainder of the text, GSEE.

³⁵ A potential employer would visit these open areas where migrants congregated in the morning and pick his workforce.

sex services were framed around the existence of organised criminal networks, which were seen to exercise total control over the movement and conditions of work of those engaging in prostitution.

The particular problematic of organised crime was virtually unknown in Greece, given the absence of scientific literature and also empirical instances other than domestic terrorism, a phenomenon whose local understanding diverged significantly from internationally established conceptions of the former around the time (Xenakis, 2004). And yet, the notion of an uncontrollable organised criminal underworld made a sudden appearance in the press, including the columns of respectable broadsheets, such as *Eleftherotypia*, *Kathimerini* and *Tó Vima* in the mid-1990s and after (Antoniou, 2001; 2002; Damoulidou, 2001; Kathimerini, 2001; Mandrou, 1999). The equation of organised crime, trafficking and prostitution gradually became unequivocal,³⁶ through regular expositions of the operation of the vast contemporary 'meat machine' (Marnellos, 2000) consuming 'bodies, conscience and reason' (Tsarouchas, 2002):

'Young women, raised in the heart of advanced postindustrial age are sold, kidnapped, imprisoned, raped, forced to prostitution, after they have first suffered indescribable psychological and physical torture, after whatever trace of human dignity and essence has been annihilated' (Karaiskaki, 2001)

Interestingly, not all the parties involved in the anti-trafficking campaign were initially prepared to entertain such a perspective. The EUROPAP report had of course noted changes in the social organisation of the sex industry and the conditions under which migrant women (and men) were involved in them; the ethnographic studies discussed above did uncover conditions of marked isolation and violence as conditions that exacerbated the plight of migrant women working in the sex industry; individual organisations in the Greek women's movement did apply the distinction between voluntary and forced prostitution (see Lazaridis, 2001) and thus eschewed the abolitionist discourse that certain well-established human rights organisations (see, particularly Giotopoulou-Marangopoulou, 2001) injected in the campaign. Yet, what the combined action of all the organisations that joined the Greek anti-trafficking campaign achieved over a period of six years approximately was the formulation of a discourse communicating an unequivocal equation of the sex industry with trafficking and organised crime. It is this uneven combination and its final product, a body of knowledge that legitimised that equation,

³⁶ This is somehow underscored by the eclipse of reports suggesting that foreign women working in prostitution did possess certain margins of autonomy (see, e.g. Galanis and Karagiannis, 1998).

that deserves special attention.

Actors in the trafficking campaign

Before I move on to discuss the exact content of the body of knowledge upon which the new anti-trafficking regime was erected in Greece, it is necessary to examine the Greek campaign and the shaping of the characteristics of the 'new slavery' discourse up to the introduction of national anti-trafficking legislation in 2002 from the view point of the actors who participated in it. The characteristics that discourse can be perhaps explained in the first instance by the power differential of those actors vis-à-vis the Greek state, which ultimately transformed it to public policy.

My own sets of interviews with police and other officials as well as NGO representatives carried out in three periods of stay in Greece in March 2004, March 2006 and June 2006 naturally revealed a different situation than the one Gabriella Lazaridis (2001) had encountered in 1998–1999.³⁷ What Lazaridis had found was 'a number of NGOs which in one way or another [had] come across migrant women trafficked for prostitution and working as prostitutes, [none of which was] dealing exclusively with migrant women trafficked for prostitution and working as prostitutes or helping them with the problems they face in Greece' (2001: 90–91). Additionally, her set of interviews included representatives of public services involved in the monitoring of the sex industry from a women's issues perspective, namely the General Secretariat for Equality and its research centre, the Centre of Research for Equality Issues (*KEΘI*–KETHI), and public health agencies; and also academic groups involved in research, such as the Marangopoulos Foundation for Human Rights, and the research group around Grigoris Lazos at Panteion University (2001: 90). Therefore, this research documented relatively low levels of interconnections between the organisational components of the anti-trafficking campaign.

In contrast, the new legislative framework was already in place, by the time of my research, and the 'civil society' actors involved in the campaign had already reached a degree of organisation, achieved in the build-up to the passing of the anti-trafficking law of 2002. I was thus able to assess the process in retrospect, and in the light of the impact not only of the transnational interconnections of those actors captured by Lazaridis's efforts as purely national entities, but also of international actors that intervened as the process unfolded: the latter involves the effects of the American intervention at various

37 I refer to Lazaridis's article rather extensively, as it is the single piece of prior research that relates in any way to the particular topic I discuss in the current section.

levels, and particularly by means of the State Department's Trafficking in Persons report.

The main carrier of the anti-trafficking campaign in Greece has been an initiative that emerged in late 2001–early 2002 and resulted in the coordinated action of a range of agencies, including international organisations and governmental bodies, known as the Galatsi Group. Its fundamental objectives were the prevention of trafficking and advocacy for assistance to victims of trafficking to facilitate reintegration into society. The backbone of the initiative has been a number NGOs from different Greek cities and from different activist fields (public health, human rights, women's movement, religious groups), whose common interests intersected somehow in the question of the sex industry. Exactly because of the diversity of these organisations, the initiative did not develop an official face and was loosely organised on the basis of monthly meetings to discuss developments, exchange feedback on activities, and establish action plans. Indicative of the Group's loose organisation was its name, called after the Galatsi area in Athens—'because they meet there'.

The formation of the Galatsi Group was itself the result of a process, which involved the activities of certain core organisations with relatively long standing presence on one hand, and financial support from sources such as the General Secretariat for International Relations and Development Cooperation (YDAS) of the Hellenic Ministry of Foreign Affairs. A core component of the Group was formed around the STOPNOW project, launched by the Centre of Research and Action on Peace (KEDE) in December 2001. KEDE, established in 1986, has been an organisation whose general field of activity has involved international peace, gender equality and women's rights, and had been presided by Margarita Papandreou, an active member of Greece's feminist movement and former wife of the late socialist ex-Prime Minister Andreas Papandreou. An equally active project spawned by KEDE has been WINPEACE (Women's Initiative for Peace), an initiative promoting friendship between Greek and Turkish women. As regards trafficking, the STOPNOW project has been associated with an awareness campaign and the lobbying of public organisations, including the Ministries of Interior, Foreign Affairs, Public Order, Justice and Health that shared competence on the issue of trafficking at the time.³⁸ In the process, KEDE and other NGOs began to receive funding for trafficking-related projects by the Greek Ministry of Foreign Affairs,³⁹ and eventually the STOPNOW project itself

³⁸ This reflects the organisation of the Greek government at the time I conducted my fieldwork. In 2007, the Ministry of Public order was brought under the Ministry of Public Order Interior, Public Administration and Decentralisation as a General Secretariat for Public Order.

³⁹ The Hellenic International Development Cooperation Department (Hellenic Aid) was established in 1999, and is responsible for the coordination of Greek international assistance pro-

was funded by the same source, and supported not only the works of the Galatsi Group, but also academic research on the issue of prostitution and trafficking (see Lazos, n.d.). Additionally, at the time of my interview, having gained observer status in the works of the Council of Europe and other international organisations, STOPNOW was in the process of creating a transnational network with other similar NGOs in Southeast Europe and the Black Sea region.

Now, KEDE's position on trafficking has perhaps been an exemplary specimen of the new slavery discourse in Greece:

Revenues from this slavery bring in millions of Euros to organised crime. The client is ultimately responsible for human trafficking for sexual purposes as he is the motivating force and the financier of the business in human misery...Clients who use trafficked women and children are inflicting human rights violations and perpetuating the suffering of the enslaved victim (STOPNOW, n.d.)

At the same time, the organisation had been advocating the voluntary repatriation and social reintegration of victims of trafficking, respect for an individual's dignity and protection of the victim's human rights victims; unsurprisingly, the repressive stance of the Greek authorities, involving repatriations and the negative attitudes of the judicial officials were brought up during my interview with STOPNOW's coordinator as a source of continuing frustration, and as a serious impediment to the group's lobbying efforts towards the introduction of policies for the welfare of the victims, including the issuing of residence and work permits as well as arrangements for social security.

What must be stressed, however, *are* the divergent philosophies of the groups participating in the anti-trafficking campaign that somehow coalesced into the homogenous surface of the 'new slavery' discourse. Assuming that KEDE occupied a certain middle ground, the campaign had been waged by organisations that could be placed on one end of a positional spectrum, such as the Centre for the Support of the Family, established by the Archdiocese of Athens and the Church of Greece, KESO, as well as organisations which can be firmly placed on the other end, such as the Greek Helsinki Monitor, Greece's major (and transnationally networked) human and minority rights watchdog.

KESO was established in 1999 by the Church of Greece and operated as a service of the Archdiocese of Athens with a view to conduct campaigns on issues such as the 'crisis of the Greek family, the foundation of the conservation and growth of the Nation' and the 'biological annihilation of the Greek nation', as well as to offer support to the 'victims

grammes, implemented by ministries, universities, NGOs or other bodies. At the time, the Ministry was headed by Georgios Papandreou.

of abortions', the victims of domestic violence and their children and also the victims of trafficking (K.E.S.O., n.d.). KESO's intervention developed a practical relevance from an early stage, as the organisation was in a position to mobilise the Church's already well-established infrastructure and draw additional funds in order to provide shelter and support to women, in cooperation with other organisations, including IOM. But it is very clear that KESO's approach to the issue was underpinned by a conservative philosophy that resonated quite well with the moralistic and punitive overtones of the campaign's message, especially with regard to the moral qualities of the clients:

[Our purpose is to] inform the 'clients', that their action devalues their own personality, but it is also punishable as much towards the women and children who are forced to prostitute, as towards their wives against whom they use the same violence, and also transmit venereal diseases. And also against the minor members of their families who suffer the consequences of violence, which in their turn they will reproduce in the future against their own families (Archbishop of Athens and All Greece Christodoulos, quoted in K.E.S.O., n.d., my translation from the Greek original).

Quite in contrast, the Greek Helsinki Monitor (GHM) is best known for its anti-conformist discourse in defending the rights of minorities in Greece, including ethnic, religious and sexual minorities, and for its aggressive critique of discriminatory practices of the Greek authorities against these groups. The organisation, whose aim is to monitor, publish and lobby on human rights issues in Greece, is part of a wider transnational human rights advocacy network, the International Helsinki Federation/Human Rights Watch,⁴⁰ and is also interconnected with numerous local, regional and global human and minority rights NGOs with which it regularly collaborates. It has been therefore the source that fed a series of interventions of transnational NGOs on the Greek situation with trafficking, on the basis of a consistent human/migrant rights approach (Human Rights Watch, 2000; 2001; 2002).

GHM's stance, therefore, recognises in trafficking and the conditions of the exploitation of migrants in the sex industry a wider problem of *racism*, and has been highly critical of any 'narrow crime control approach' to the issue:

The emphasis has been placed on enhanced border control; measures to combat organized criminal networks of traffickers; and detection, apprehension, and deportation of trafficked migrants. Ignoring the link between increasingly restrictive immigration and asylum policies in Western Europe and the boom in trafficking, many governments fail to address trafficking

40 See Greek Helsinki Monitor: <http://www.greekhelsinki.gr/bhr/english/profile.html>; International Helsinki Federation: <http://www.ihf-hr.org/welcome.php>; Human Rights Watch: <http://www.hrw.org/>

as a human rights and refugee protection issue (Human Rights Watch, 2001: 6).

Clearly, GHM understands the police as a key mechanism for active and forcible discrimination against minorities and migrants, and the organisation has repeatedly brought up the question of detention conditions, 'sweep' operations, and the aggressive targeting of minority (particularly Roma) settlements by the police. As these practices have been regularly used by the Hellenic Police, GHM has not only been highly critical of police activities, but also cautious towards any declarations of policy change that do not appear to address the problem at its roots (as GHM understands the latter):

Greek society is hypocritical...there is xenophobia, a fear that we'll stop being Greek with the reception of so many foreigners...that's why the problem is addressed willy-nilly by the authorities, with repatriations, expulsions and so on...the problem is also exacerbated by the lack of sexual education, the clients are indifferent to the victims' origins and conditions (interview with GHM's representative, March 23, 2004).

GHM's insistence on the question of the root cause of racism has been underpinned by an awareness of the fact that the Greek government's response to the problem has been intricately conditioned by the need to defuse international interventions, which did press towards more police action. In my interviews, I asked NGO representatives to review the Greek situation from the viewpoint of their organisation: it is quite indicative that the account of GHM's representative began by outlining the role of the United States Trafficking Report, the classification of Greece as a Tier 3 country, and the interventions of the U.S Embassy in Athens.

The preceding discussion shows, I believe, that important differences lied underneath what appeared as the homogeneous 'new slavery' discourse that emerged from the Greek anti-trafficking campaign, a dimension that should be taking into account when assessing civil society's political effectivity. It is also clear that in some important respects forces operating from within the state did play a role as an organising factor of the anti-trafficking campaign—and this is not a reference merely to forces within the Greek state.

The stage is now set for considering what has been perhaps the most significant *international* intervention in the question of trafficking in Greece, namely the political pressure exerted by the United States, particularly in the form of the US State Department initial trafficking reports for 2001, 2002 and 2003 (US Department of State, 2001; 2002; 2003c).

All three reports between 2001 and 2003 conveyed a uniformly grim picture of the Greek situation with trafficking and neatly classified Greece as a Tier 3 country, a country

whose government does 'not fully comply with the minimum standards and [is] not making a significant effort to do so' (US Department of State, 2003c: 16). The 2004 and 2005 reports placed Greece at Tier 2 Watchlist (US Department of State, 2004; 2005), and then finally the country reached a Tier 2 placement in the 2006 report (US Department of State, 2006). Since I have already discussed in general terms the characteristics of the Trafficking Report and its political significance as an instrument of American pressure on foreign governments, one may reasonably begin considering the case of Greece by asking where exactly the American threshold for reclassification was placed—or, given that Tier 2 countries do not meet the American minimum standards anyway, what the American understanding of 'significant efforts' has been.

Table 6 codifies the content of the US Trafficking Reports of Greece between 2001 and 2006 across a range of recurring topics, and thus provides a snapshot of Greece's career in the various tier classifications. These topics generally correspond, of course, to the criteria laid out by the U.S Victims of Trafficking and Violence Protection Act of 2000 (see US Department of State, 2001: 5–6), hence by the methodology of the trafficking report. Therefore the requirements for prohibition and (commensurate) punishment of trafficking are present here as recurrent comments on the need for *special* legislation addressing trafficking, without regard for the possible adequacy of existing provisions in the Greek Penal Code, an issue about which concerns were in fact voiced among Greek criminal law specialists.⁴¹ Additionally, one may observe that these requirements have been complemented by the demand for numbers of arrests, prosecutions and convictions, tangible proofs of the government's 'vigorous' effort to suppress and eliminate trafficking. One may firstly (bitterly) remark that the inability to provide the Americans with accurate statistics to a satisfactory extent is a self-inflicted wound, responsible for which is none other than the chronically lamentable state of official statistical data collection on crime and criminal justice in Greece (Spinellis and Kranidioti, 1995; Spinellis, forthcoming). Of course, to seek numbers as tangible proof that the system of enforcement really works involves a considerable margin of flexibility for those who ask for them, and, conversely, an uncertain onus on those who must respond to the demand: while in 2001 the Report complained about the lack of any numbers, the 2006 report expected the Greek government to confirm 'whether any traffickers were actually serving time' (US Department of State, 2006: 126). Evidently, therefore, even though the particular criteria laid down with considerable clarity in the report's methodology allow it to maintain a façade of objectivity, the actual substantive content of the country narratives

41 I examine this particular question in the section about L.3064/2002 which follows a little later.

typically makes clear the nature of the exercise as a tool for international political pressure.

Yet the above is the less interesting reading of the table, for when one approaches the content of the report along the lines of its recurring themes, it becomes evident that the assessment of the additional criteria qualifying the Greek government's responses as 'serious and sustained efforts to eliminate trafficking' follows an intriguing pattern. A first, less pronounced aspect of this pattern is related with the process that Ethan Nadelmann (1993a) has understood as the 'Americanisation' of foreign criminal justice systems and police practices, and involves in this case the extent, firstly, to which the pressure exerted about trafficking is likely to result in important changes in a country's legal apparatus. Until I return to this question later on, suffice it to say that the idea of governmental involvement in 'securing convictions of traffickers' is quite foreign to the logic of the Greek legal system where the conduct of criminal investigation is the prerogative of the independent judicial authorities, under the Greek Constitution (Spinellis and Spinellis, 1999). Secondly, 'Americanisation' may involve a process by which American law enforcement agencies are able to gain direct access in the workings of foreign police forces, either with regard to operations or by influencing procedures and practices. In this respect, Greece and the US had signed a memorandum of cooperation on 8 September 2000, which did provide for extensive cooperation, both in operations (exchange of information, joint investigations, technical support) and in training (educational exchanges, seminars); the text of the memorandum had been published in *Hellenic Police Review*, a publication of the Ministry of Public Order (Hellenic Police Review/anonymous, 2000). Nevertheless, my police interviewees were reluctant to disclose any particular or useful information about training exchanges organised by foreign law enforcement agencies, let alone examples of active involvement of foreign law enforcement officials in police investigations and related activities. But as regards training and dissemination of best practices, there is little doubt that such exchanges do occur on a regular basis, and training is a domain which, as we have seen in the case of SECI, is densely populated by the international efforts of American law enforcement agencies. The TIP Report's mention of Greek Border Guards participating, 'with other countries in the region, in anti-trafficking training seminars offered by the US Government' (2002: 54) is certainly an additional firm indication of such exchanges.

Leaving aside for now the observation that Greece's career in Tier ranks does appear to relate to the extent of the country's involvement in bilateral and regional police co-operation (see Table 5, 'International cooperation'), the second—and certainly pro-

nounced—pattern that emerges from the examination of the TIP Reports concerns the *emphasis on NGO involvement* in the implementation of official anti-trafficking policies. In fact, it is not an exaggeration to say that the TIP Report has been a factor of organisation in the Greek anti-trafficking campaign, firstly by paving, year after year, the way for the anti-trafficking campaign's subsequent steps at the level of demands for policy reform and, secondly, by securing the campaign's prior achievements to the extent that it directly included the levels of public funding and support for infrastructure creation as criteria for the assessment of Greek government's anti-trafficking policies. As we have seen, the Report's framework has been compatible with the abolitionist, client-hostile overtones of the Greek campaign, which are themselves a condition for increasingly energetic activist strategies vis-à-vis either the sex industry, or the state or the general public and 'the clients' (see Soderlund, 2005). In the case of Greece, this escalation has been firstly evident in the process of policy shaping, since, once the target for the introduction of a special legislative framework on trafficking had been accomplished in 2002, the NGOs pressed for increased participation both in the operational aspects of anti-trafficking as well as the provision of victim welfare. One may observe that the TIP Report has consistently supported this pattern of target-setting, and the 2006 report even commented that 'the Government of Greece should now...ensure that NGOs have an operational role in victim identification' (US Department of State, 2006: 127). But since the Report is not a policy recommendation document, but a monitoring tool, it is reasonable to ask why, given the assortment of Ministries involved in anti-trafficking action plans, the Greek government was deemed by definition incapable of developing expertise, good practices and welfare infrastructure to address the issue of trafficking, and needed therefore to take recourse to measures such as agreeing on a Memorandum of Understanding for cooperation with the NGOs (itself a goal of the campaign after the enactment of L.3064/2002). Secondly, the level of (Greek) public funding channelled towards NGOs was explicitly a criterion for the assessment of Greece's record: it is equally evident that the country moved up from Tier 3 in 2001 to Tier 2 in 2006 as these funds increased, from limited funding to IOM (which is not an NGO) in 2001 to 'significant funding' to NGOs and international organisations in 2006—presumably comparable to the €3m mentioned in the 2005 report (US Department of State, 2005: 114; US Department of State, 2006: 128).

This intricate connection between Greek 'civil society' campaign and the TIP Report becomes less surprising when one considers the levels of local US involvement for which my research, both the interviews and the review of available 'open sources', yielded limited but, nevertheless, compelling indications. The indirect involvement of local US in-

volvement was made firstly apparent in 2001, as Bonnie Miller, an anti-trafficking activist herself and the wife of US newly appointed ambassador to Greece Thomas J. Miller, intervened in an anti-trafficking conference and made press headlines nationally and internationally. Mrs. Miller had previously worked extensively on the issue in Bosnia and Herzegovina, where Mr. Miller held the post of US Ambassador between 1999 and 2001. The conference, which was co-organised by the American Embassy, was a significant breakthrough for the public dissemination of the evolving knowledge basis of trafficking in Greece, but it was Mrs. Miller's acute comments that attracted wider attention as she compared the situation in Bosnia⁴² and Greece to state that the Greek situation was much worse (Howden, 2001; Kalliri, 2001).

⁴² The war-time sex industry which flourished around the US, NATO and UN peacekeeping forces has been documented by Mendelson (2005).

Table 6: US Department of State Trafficking in Persons Report of Greece, 2001–2006

Year	2001	2002	2003	2004	2005	2006
Tier	T3	T3	T3	T2W	T2W	T2
Country type	Transit and Destination (sexual)	Primarily destination (sexual)	Destination and transit (sexual)	Destination and transit (sexual-labour)	Destination (sexual-labour)	Destination and Transit (sexual-labour)
Overall	no significant efforts	no significant efforts	no significant efforts	significant efforts	significant efforts	significant efforts
Policy developments	Interministerial committee but no public acknowledgement of the problem	High priority Instructions to police	A shift with legislation but no effective enforcement	Anti-trafficking legislation but no provisions for labour trafficking	New policy coordinator, action plan allocation of significant resources	Government must ensure NGOs have an operational capacity in victim identification
Legislation and enforcement	No special anti-trafficking legislation Penal Code cases rarely brought to trial	No special anti-trafficking legislation Organised crime legislation Few arrests and prosecutions	Some numerical data for arrests No conviction data Prosecution slow and inefficient	Numerical reports of arrests convictions, rescues No convictions reported	Numerical reports of results of anti-trafficking raids Special prosecutors appointed Conviction rates 'disproportionately low'	Numerical data reported, increased convictions secured, but government 'could not confirm whether any traffickers were actually serving time'
Corruption	Corruption a major problem		Corruption acknowledged	No actions against (corrupt) government officials	Some punitive action against police complicity	Complicity of Greek diplomats abroad Numerous reports of local police complicity
Border controls	Border police corrupt	Border controls weak Border guards received training by US agencies				
Trafficking prevention	none significant	Awareness campaign	No widespread awareness campaign	Police 'know your rights' leaflet No demand-oriented prevention activities	Funding of NGO campaigns 'some aspects of which targeted clients'	National awareness campaign encourages the public to report incidents
Victim protection	Hotline for battered women	Victims deported with foreign prostitutes Immigration law 2001 No shelters or services	Trafficked children are deported as criminals or aliens No referral for assistance nor shelters	NGO ability to fulfil victim services 'hampered'	Limited access to NGOs to provide assistance Inadequate referral mechanism Lack of victim witness protection	'Reflection period' for victims
IO/NGO cooperation	Limited funding to IOM	Limited access	Cooperation remains weak \$125,000 to NGO	\$1.4 million to Greek and foreign NGOs No MOU with NGOs on victim assistance and referral	€3m to NGOs for assistance 3 government, 4 NGO shelters	MOU signed Government must ensure that NGOs have an operational role in victim identification Significant funding
International cooperation	Discussions for regional centre	Regional cooperation improving	No sponsored activities in source countries Bilateral engagement is poor		Government sponsored an international conference to share best practices	Greek government demonstrated leadership in promoting regional law enforcement cooperation

Source: US Department of State, 2001; 2002; 2003; 2004; 2005; 2006

Mrs. Miller's involvement is documented in more detail in the 2004 TIP Report, where she is mentioned as a 'hero acting to end modern-day slavery':

'Bonnie Miller...helped Greek NGOs establish services for victims, lobbied the government to take strong anti-trafficking in persons actions, and worked to establish the first trafficking hotline in Greece. Mrs. Miller has been a champion of the anti-slavery cause through extensive media efforts and has brought diplomats from many countries together to discuss ways to assist victims of human trafficking. She also played a key role in establishing the Doctors of the World shelter for victims' (US Department of State, 2004: 35, 36–35, 37)

Of course, involvement can be local not in a strictly geographical sense: the resources the US have made available for the conduct of the global anti-trafficking campaign have facilitated the use of available infrastructure and the creation of the necessary human networking on American soil, just as happened in the case of OPS assistance which I have discussed in chapter 2. For example, in fiscal year 2002 the Bureau of Educational and Cultural Affairs of the US State Department funded the participation of three individuals from Greece to an exchange programme whose aim is to bring 'current or potential leaders in government, politics, the media, education, and other fields to the United States to meet and confer with their professional counterparts'. Various national agencies are involved in the design and implementation of the programme with a view to meet the specific needs of the visitors. Programs typically last three weeks allowing visitors to gain an overview of trafficking prevention programmes in Washington, DC or other cities (US Department of State, 2003b)

So, in the light of such ties and given the procedures for the collection of the information that the TIP Report uses, and which involve 'meetings with a wide variety of government officials, local and international NGO representatives, international organisations, officials journalists, academics and victims' (US Department of State, 2004: 29), the alignment of positions of the Report and of the Greek anti-trafficking is, in fact, rather expectable.

Prostitution and trafficking: what do we really know?

The preceding analyses have highlighted the process which shaped perceptions of prostitution and trafficking in the course leading to the introduction of national anti-trafficking legislation in Greece. I have already stressed that that the advocacy of the anti-trafficking regime in Greece engendered a particular knowledge basis that legitimised a specific form of response to the problem: more police, more control, more prohibitions.

It is now time, therefore, to proceed to the examination and critical assessment of the knowledge that engendered the equation linking prostitution, trafficking and organised crime.

The knowledge base of anti-trafficking advocacy

The cornerstone of the Greek discussion on sex trafficking and forced prostitution is the results of Grigoris Lazos's longitudinal research, which were delivered in several instalments after the mid-1990s, but reached their final, definitive form in a two volume publication titled *Prostitution and trafficking in modern Greece* (Lazos, 2002a; b). An additional report compiled for KEDE/StopNow was a direct continuation of the work presented in those two volumes and extended the results and estimates up to the year 2002 (Lazos, n.d.). It is difficult to convey fully the degree of influence that Lazos's presentation of the organisation of forced prostitution and the role of criminal networks, his estimates of the numbers of trafficked and prostituted persons as well as his estimates of the financial size of the prostitution sector have exercised on analyses of and references to the question of trafficking in Greece (Antonopoulos and Winterdyk, 2005; Emke-Poulopoulos, 2001; Hötzeltdt, 2003; Lazaridis, 2001; Malarek, 2004; Telloglou, 2001; Tsarouchas, 2002). Apart from its main focus, the work is indeed the most thorough review of the historical development of prostitution in Greece and of the regulatory frameworks that applied to it at different times since Greek independence; it also work claims a significant novelty to the extent that its second volume consists entirely in an analysis of the incomes generated by the forced prostitution sector and of the side of demand, the client.

Lazos reports staggering findings, which I proceed to review in some detail. Because numbers have been important, and the anti-trafficking campaign has made thorough use of these numbers for policy advocacy, I refer the reader immediately to Table 7, which summarises the numerical *estimates* produced by that research. At the same time, the table effectively maps how Lazos's argument is arranged throughout the two volumes (and in the STOPNOW report), and thus communicates in broad terms its political significance, as it reveals estimates that, in 2000 for example, over 80% of the 23,000 women working in prostitution were *victims of trafficking*, over 24 million commercial sex transactions had taken place in a country of approximately 11 million population, and that the turnover of the sex industry had been over one billion Euro, approximately 0.8% of the country's GDP in that year (ESYE, n.d.).

The argument of the report, which unfolds in the form of a historical narrative, is that

in the decade 1990–2000 the prostitution sector in Greece underwent a thorough reorganisation under the tutelage of trafficking networks;⁴³ trafficking supplied the prostitution market with women that differed from the hitherto stereotypical image of the prostitute in Greece, thus creating entirely new dynamics for demand. According to Lazos, the roots of the change in the sex sector, to which traffickers gradually began to respond during the 1980s by deploying Southeast Asian, Polish, and, to a lesser extent, Caribbean women, are to be primarily found on the side of demand, namely the changing preferences and desires of the clientele (2002a: 114–115, 126). Nevertheless, he notes that the trafficking networks adapted successfully to these dynamics by exploring new forms of reaching clients which moved away from the traditional establishment of the brothel, and towards new outlets such as bars, night clubs and massage parlours as well as ‘personals’ in newspapers and magazines and also appointments via telephone (173–174). He thus concludes that the 1980s had been a transitional period that set the stage for the more radical changes towards the mass consumption of sexual services and the prevalence of forced prostitution in the 1990s.

What then was gradually accomplished in the 1990s was a complete takeover of the sex sector by the transnational trafficking networks, who kept supplying the market with women victims of trafficking particularly from the former soviet countries. Lazos sums it up as follows:

In their vast majority, the foreign prostitutes in Greece during the last decade of the 20th century were subjected to a direct or indirect regime of violence and/or deception...it is doubtful whether a woman or a minor from Eastern Europe or the Balkans has been forwarded and prostituted in local prostitution in a way that does not fall within the criteria for the definition of trafficking and sexual(–economic) exploitation instituted by the United Nations or the European Union...On the basis of this definition, the vast majority, if not the sum of women and children who were forwarded to prostitution in Greece, during the period 1990–2000 from countries of Eastern and Central Europe and the Balkans, were forwarded by trafficking networks under conditions of force and exploitation (Lazos, 2002a: 205–206)

The study identifies five transnational trafficking networks that were active in Greece during the 1990s, of which he classifies the Russian and the Ukrainian as branches of global trafficking networks, and the Balkan, the Albanian and, to a lesser extent, the Pol-

⁴³ Lazos notes that trafficking networks were certainly active during the 1980s (Lazos, 2002a: 109). An interesting point in his historical review is the reference to some indications that trafficking was prevalent in Greece as early as the first quarter of the twentieth century, with networks sending women abroad (91).

ish as regional ones. The significance of these classification involves firstly the national origin of the trafficked women, as each network would primarily import persons from locations to which it had access—and therefore the larger the network the broader the geographical base of origin of trafficked women; secondly, the classification conveys a degree of organisation, and therefore the ability of these networks to access the market on wider geographical scale: for example, the Balkan network is identified as being active in northern Greece alone having its bases in the neighbouring Balkan countries; thirdly, these networks, according to the same degree of organisation, supplied women to different outlets for sex consumption and thus occupied different market positions (Lazos, 2002a: 231–254).

Table 7: Prostituted persons, transactions and income generated 1990–2002 (Lazos)

Year	Persons (forced prostitution)	Persons (voluntary prostitution)	Total Prostituted	Transactions (millions)	Income (million €)
1990	2100	3400	5500	7.8	135
1991	3000	3250	6250	9	175
1992	4500	3150	7650	10.5	245
1993	8400	3200	11600	12.7	341
1994	11550	3200	14750	15.6	483
1995	16500	3250	19750	19.8	663
1996	20150	3300	23450	24	860
1997	21750	3300	25050	26.6	1080
1998	19700	3400	23100	25.4	1070
1999	20300	3550	23850	25.8	1140
2000	19400	3800	23200	24.4	1100
2001	n/a	n/a	n/a	n/a	n/a
2002	17200	n/a	n/a	18.5*	921*

* Estimate refers to forced prostitution

Sources: Lazos 2002a; 2002b; n.d

Additionally, as Lazos is adamant on his position about the role of client demand as primary motor of the phenomenon, he also presents estimates about the share of each network in the turnover of the industry in the second volume of his study (Lazos, 2002b).

There is little doubt that the study is the product of an extended and extensive re-

search effort, as it is a unique record of the *real* change that the Greek sex industry has undergone since the beginning of the 1990s. And it would constitute, in its entirety, compelling evidence of the nature and, importantly, of the extent of that change, were it not marred by important methodological gaps and silences at absolutely strategic points. We need to be as clear as careful at this point. As Lazos explains, the primary component of the study has been ethnographic research in Greek prostitution, and the author has rightly claimed credit for the unique success of the effort as an instance of qualitative research. The level of detail in Lazos's narrative leaves little doubt about the extent and quality of his ethnography. However, the politically significant part of his research, which, I repeat, has been the single most important—if not *the* single—source of scientific legitimisation of the anti-trafficking campaign in Greece, does not arise from the ethnographic part of the research, but rather from *the estimates* of trafficked people, sexual transactions, and turnover of the industry—and *this part has involved a purely quantitative exercise for which no trace of explanation appears in the entire two-volume work*. Lazos is vaguely dismissive of this aspect by noting that 'the ascend to a level of generalisation of the "hard data" has had various demands—with techniques demanding most of the time but having secondary importance' (Lazos, 2002a: 37). And yet it is clear that a procedure of statistical modelling did lie underneath the estimates:

[the effort to organise the various information and data] was not a cold activity in front of the computer monitor. It was rather exciting, psychologically violent, as one by one the informational-statistical models were holding on up to a point and then were 'coming down to their knees'—they had to be replaced by an enhanced model, organised on a new architecture...overall, ten models were changed, each of which was modified from four to twenty-five times' (Lazos, 2002a: 31)

Yet not one of these models were reported—and the 'detailed presentation of the complex web of collection, organisation and signification of the information' which was promised for the 'first available opportunity' (Lazos, 2002a: 31) has yet to appear. The mystery for the reader of the two volumes is partially solved by a passing reference to Bloor et al. (1991) 'who developed an advanced method of accurate estimation of "hidden populations"' (Lazos, 2002a: 27). As part of an epidemiological research project, Michael Bloor and his colleagues had developed a method for estimating the numbers of street female prostitutes in Glasgow and the extent of drug injecting among these women. The method involves a variation of the *capture-recapture* model, an established and well-known⁴⁴ method in the field of animal ecology, used to produce estimates of demograph-

44 As the method involves proportions of known ('captured-recaptured') and unknown (total)

ic parameters (size, survival, recruitment, immigration and so on) for wild animal populations (Nichols, 1992; Pollock et al., 1990; Pollock, 1976), and it has also been widely used in medical epidemiology (see, e.g. Larson et al., 1994). Although the procedure was not unknown in research on prostitution and HIV infection risks (see Kinnell, 1989), Bloor et al.'s was indeed an innovative use in the sense that, being depended on the differentiation of new fieldwork contacts from repeat fieldwork contacts, it enabled a modelling of the total population of street prostitutes (Bloor et al., 1991: 1479).

It is only through the scrutiny of the passing reference to Bloor et al. that the (interested) reader is able to reconstruct—to some extent—the research procedures adopted by the effort, about which only general references were made:

The research effort included the extensive use of multiple cross-reference and triangulation. Furthermore, it adopted a special type of interview which places emphasis on particular persons, days, hours, sums, transactions etc. In combination, rolling observation was used at various points (areas, markets, and so on) and at various times (seasons, days, hours), so that the total sums in which the research was interested could be recorded, as well as a general identification of the flow of persons in and out of prostitution (Lazos, 2002a: 28)

Still, the essential fact remains that the statistical procedure by which the estimates were produced remained unreported,⁴⁵ and by virtue of this omission, any confidence in these estimates is by necessity unwarranted. That no particular criticisms about the study's methodology have been voiced is perhaps a curiosity, but it is not a mystery. Firstly, research into prostitution lies unfortunately outside the main interests of Greek criminology, which focuses more on the technicalities of criminal justice (Lambropoulou, 2005). Secondly, one has to take into account the fury of the anti-trafficking campaign and the fact that its core claims have been and remain to date unopposed by alternative discourses in Greece. Methodological disputes can only emerge and are meaningful only when the substance of what is being demonstrated is also disputed. In addition, these numbers have been extremely congruent with the (proportionately) similar estimates incessantly recycled in the global anti-trafficking campaign; numbers, which, as Kempadoo points out, are always used by various bodies as definite facts, but whose origins and methods of production are typically obscured (Kempadoo, 2005). And finally, the core theoretical assumptions of the study itself have to be taken seriously into account:

populations, its core logic is none other than the elementary rule of three. The production of fairly accurate estimates is, of course, a whole different story.

⁴⁵ To hammer this point, in Bloor et al.'s 7-page publication, the discussion of fieldwork methods, of the model and its assumptions, which all constitute an integrated whole from a methodological viewpoint, occupy two full pages (Bloor et al., 1991: 1479–1480).

trafficking is understood on the basis of the definitions provided by international instruments, but what is forgotten is that the meaning of these definitions is itself a contested issue. Furthermore, the study is equally, albeit much more tacitly, informed by a particular understanding of organised crime, one that sees specialised, structured, rational, control-hungry and violence-prone criminal organisations: but this is also a viewpoint that has been even more fiercely contested theoretically (Naylor, 2004: 14–16).

To state my point clearly: my critique of the knowledge base of the anti-trafficking campaign does not aim to dismiss its significance. I note certain problems that exist because the formation of the knowledge basis has been organically related to that campaign. The exact point of dispute I raise, therefore, consistently with the theoretical argument I advance in this thesis, is whether a conception of prostitution as ‘modern slavery’ and of the sex industry as an appendix of organised crime business in Greece is capable of uncovering the real forces at work in this social field. The question is whether a particular section of society can be isolated and seen as exceptional, or whether it is much more meaningful to apply theoretical distinctions and concepts that reveal the substantive homologies between the social organisation of one particular field and the system of relations that governs a social formation as a whole.

Exploring the official image

Let me then proceed with an attempt to establish how the developments in the organisation of the sex industry in Greece appear from the viewpoint of the state, and more specifically, from the viewpoint of the police. The preceding analyses should have made clear that historically, the police in Greece have been and remain the single most important regulatory agency of the sex industry. Nevertheless, the information made publicly available by the police has been as truncated as the information disclosed about any other area of criminal activity in Greece, even though one would reasonably expect more extensive and detailed reports, since the police hold the competence to conduct the preliminary investigation of incidents of crime. Questions about the poor quantity and quality of the flow of information released from the police to the public domain have been raised with increasing frequency and intensity lately, and have been primarily motored by demands to report criminal justice data to wider relevant initiatives under the umbrella of the EU (Spinellis, forthcoming). Nevertheless, the problems have been serious and long-standing, and they involve both the form in which official crime is reported, as well as the avenues of the public dissemination of the data. Firstly, the official statistical series of the

police aggregates data under general categories of crimes, following the classification of crimes under *chapters* of the Penal Code, and therefore data for particular crimes are reported only exceptionally (e.g. homicide or rape). Secondly, the tabulations of these aggregates (e.g. by age, gender or nationality of the offender) follow a logic whose utility is difficult to understand even from the viewpoint of the organisation itself, and they are of limited use for substantive analyses (Papanicolaou, 2003; Spinellis and Kranidioti, 1995).⁴⁶ Thirdly, it has become rather common that more detailed information—of the kind that one would reasonably expect the police to hold—about crimes is leaked and presented in the press rather than made available via official avenues.

As far as the sex industry-related criminality is concerned, the advent of the anti-trafficking regime in Greece, in combination with the conception of organised crime embedded in the recently introduced legislation, has complicated the situation, because additional legal classifications have been superimposed on the previously existing system of public reporting and dissemination of the information the police hold. The fact is that until the inception of organised crime in Greek legislation, the knowledge base for the justification and use of the idea in Greece, apart from the journalistic references to the Italian or Albanian or other national 'Mafia', including a Greek one, was rather limited and primarily fed by foreign accounts of the phenomenon (Mandrou, 1999; Nikolakopoulos, 1997); even today, whatever overview of facts can be connected to the concept in the strict sense comes primarily from Hellenic Police's annual reports on organised crime (Hellenic Police, 2000; 2004; 2005; 2006), an exercise which was itself originally taken up with a view to fulfil Greece's reporting duties to the emerging police apparatus of the European Union (see Hellenic Police, 2000); but even these reach the public domain in a curtailed ('open') version, due to dictates of 'national security'. Of course, the indisputable value of the OC Report is that it does make available a certain amount of useful information in a meaningful format.

With the above qualifications one may draw a line between what can be inferred about the situation in the 1990s and what we began to learn after 2000 approximately. As regards the first period, it cannot be stressed enough that the available information is fragmentary and generally of low quality, and that, even when presented in the context of academic research, its source has been primarily the media. The quality of information was compromised at source, that is, by the very procedures used by the police and which reflected the very practice of the force on the ground. The situation is wonderfully con-

⁴⁶ The problem of adequate classification has not been, of course, uniquely Greek (see, e.g. Hindelang et al., 1978)

densed in the words of one of my police interviewees:

For older numbers, you'd better be looking for numbers of deported aliens...I can't tell you for sure that you will find such numbers, let alone the details you are looking for...you see, we did not know back then what we were really dealing with...they were all [illegal foreign] women working in bars and brothels (interview with police official, April 2006)

However, such numbers were not made available to me by the Hellenic Police. In order to convey some sense of the situation, I must therefore rely in a few isolated reports, which are of use in the context of this analysis. The first one is probably the first extensive report of the problem of trafficking in the press, which drew information from the report of an interministerial committee in spring 1996—probably the first official response towards trafficking. According to this article (Nikolakopoulos, 1996), 3,948 women were deported in 1995 on grounds of illegal entry or illegal stay (that is, after their visa expired). The article adds that these women were 'engaging in the exercise of the older profession', but adds at another point that 1,277 women were arrested for prostitution (and also 196 procurers) during the same year. Furthermore, it is also reported that between 1990 and the first semester of 1995, namely 6,420 crimes against sexual freedom were committed in total, of which 1,094 were felonies and 4,297 misdemeanours; of the offenders, 7,015 were Greek nationals and 466 were aliens; but, as the classification makes very clear, these data had been drawn from the official recorded crime series of the Hellenic Police, and are therefore not entirely relevant (e.g., rape and indecent assault are also included in these numbers). Interestingly, what is additionally reported is the number of women who were allowed entry and work permit as performing artists; their number declined from 3,411 in 1991 to 2,021 in 1995, totalling 13,677 in the period between 1990 and 1995 (Nikolakopoulos, 1996). The information is interesting because artistic visas are known to have been widely used in the Cypriot sex industry too (Lenz, 2006)

For 1996, Psimmenos (2000: 82) refers to media reports according to which 200 under-age and almost 1000 adult female migrants were repatriated to their countries of origin. And for 1999, Emke-Pouloupoulos (2001: 5) reports the numbers of foreign women working in brothels without permit and arrested in 1999, who total 88 and have been included by country of origin in Table 3 (under 1999). Emke-Pouloupoulos also reports the number of 'foreign women in Greece working illegally in bars and other establishments subject to health control in 1999' (i.e. cafeterias, bars, cafe-bars etc), a total 1,341, and comments that

these figures represent only a part of the unknown reality of foreign women working under exploitative conditions. Table 2 shows a part of the so

called 'hidden prostitution', which is covered by socially accepted professions such as waitresses, hostesses and dancers in public and private establishments. Other forms of hidden prostitution are masseuses, strippers, pornographic video actresses, entertainers and beauticians (Emke-Pouloupoulos, 2001: 5).

It is very doubtful, however, whether this assertion is warranted, as it equates the employment of *all* female illegal migrants in these establishments with sex trafficking. As a result, the only numbers that are relatively comparable with the statistics on victims of human trafficking that the Hellenic Police began to publish after the introduction of L.3064/2002 are Emke-Pouloupoulos's arrest data. Some sense of the overall picture is presented in Table 8, which includes the information by year for 1999 and 2003–2007, and also two aggregates, with or without the data for 1999. Note that the series published by the Ministry of Public Order for 2003–2007 report both sex trafficking and human trafficking for labour without differentiation, and, additionally, information about the gender of victims is only provided for 2005 and 2007. For these two years, the Table includes only the number of adult women victims of trafficking, in order to provide some basis for comparison with the number of arrestees reported by Emke (2001). With this important qualification, it can be seen that the vast majority of the victims came from eastern European countries, particularly Romania, Russia, Ukraine, Bulgaria, Albania and Moldova, totalling 414 out of 525 victims identified between 2003–2007 (or 490 of 612 when 1999 is included).⁴⁷ A smaller number were African women from Nigeria.

⁴⁷ Interestingly, the overall picture does not change significantly whether the arrest data from 1999 are included or not.

Table 8: Trafficking victims 1999, 2003–2007

	1999*	2003	2004	2005**	2006	2007**	SUM 2003–2007 (incl.1999)
Albania	38	1	9	2	4	1	17 (55)
Armenia	0	0	1	2	0	0	3 (3)
Austria	0	0	1	0	0	0	1 (1)
Belarus	0	7	8	3	1	0	19 (19)
Bulgaria	2	1	10	8	10	15	44 (46)
Czech R	0	3	3	0	0	0	6 (6)
Denmark	0	0	0	1	0	0	1 (1)
San Domingo	0	0	1	0	0	0	1 (1)
Eritrea	0	1	1	2	0	0	4 (4)
Estonia	0	0	0	1	0	0	1 (1)
Georgia	3	0	2	0	1	0	3 (6)
Germany	4	0	0	1	0	0	1 (5)
Ghana	0	0	1	0	0	0	1 (1)
Greece	0	0	2	0	0	0	2 (2)
Kazakhstan	2	1	0	1	1	0	3 (5)
Kirgistan	0	0	0	1	1	0	2 (2)
Latvia	0	0	0	0	2	0	2 (2)
Lithuania	0	4	4	3	2	0	13 (13)
Moldova	1	10	10	7	5	2	34 (35)
Morocco	0	0	1	0	0	0	1 (1)
Netherlands	0	0	2	1	0	0	3 (3)
Nigeria	0	2	3	8	3	4	20 (20)
Poland	0	0	1	0	1	0	2 (2)
Portugal	1	1	0	0	0	0	1 (2)
Romania	22	10	41	21	20	20	112 (134)
Russia	9	31	50	28	25	18	152 (161)
Serbia	0	0	0	0	1	0	1 (1)
Singapore	1	0	0	0	0	0	0 (1)
Sudan	0	0	0	0	0	1	1 (1)
Syria	0	0	0	0	1	0	1 (1)
Thailand	0	0	1	0	0	0	1 (1)
UK	0	2	3	1	0	0	6 (6)
Ukraine	4	14	21	12	5	3	55 (59)
Uzbekistan	0	4	5	1	0	0	10 (10)
Yugoslavia	0	1	0	0	0	0	1 (1)
SUM	87	93	181	104	83	64	525 (612)

* Arrested foreign women working in brothels without permit ** Adult women

Source: 1999: Emke–Pouloupoulos 2001; 2003–7:Hellenic Police

The data presented in Table 8 call for additional cautionary notes. Firstly, these numbers are obviously nothing more than records of police activity, whose levels and targets may vary from year to year. For example, as the 2005 OC report of the Hellenic Police noted with regard to the anti-trafficking results of the preceding year that

‘the number of criminal organisations dismantled in 2004 is significantly increased with respect to the previous year. This fact is due mainly to the more substantive and efficient action of the investigating authorities. The dismantling of criminal organisation that commit human trafficking was among the priorities of the Hellenic Police in the year 2004’ (Hellenic Police, 2005: 10),

It can be indeed observed that the number of identified victims follow closely that pattern. Additionally, it is important to note that when the Hellenic Police reports ‘victims’ in general, they essentially report in the first instance the total number of the women who were identified in connection with the cases that they record as trafficking cases. Whether victimisation may have indeed taken place is established in the course of the preliminary investigation, during which the police are authorised to carry out a screening process, alongside the interrogation (Hellenic Police, 2003). Once this procedure has resulted in formal prosecution, the provisions of article 12.1 of L.3064/2002 and of its executive Presidential Decree 233/2003 are activated, and the victim can be placed under arrangements of assistance and protection.⁴⁸ After the enactment of L.3386/2005 on ‘third country nationals’, depending on the results of police screening, a special order of the public prosecutor may grant the victim a month’s reflection period before formal prosecution ‘so that they recover and escape the influence of the offenders in order to make an unbiased decision regarding their cooperation with the authorities’ (art. 48.1).

The significance of the preceding observations emerges clearly in the official information presented in Table 9, which shows that one third of the victims identified in connection with recorded trafficking cases were actually placed between 2003 and 2007 under the regime of assistance and protection laid down by the Greek law. Again, caution is necessary because the official series does not differentiate by gender or by type of trafficking. Furthermore, to consider the proportion for the five-year period is preferable, because the variation for each year could be due exactly to the targeting of particular

⁴⁸ Alternatively, assistance and protection are offered to the victims, once they have sought themselves help from the (public) services and establishments of assistance and protection (art. 2 Pres. Decree 233/2003). After the introduction of the Presidential Decree the point of contention between the police and the NGOs was the procedure by which the latter’s expertise and shelters could be integrated in the process of providing assistance. Eventually, a memorandum of cooperation was signed in November 2005.

networks by the police, according to their investigative approach and criteria of efficiency discussed above. Nevertheless, the particulars for each year have

Table 9: Victims identified and victims assisted 2003–2007

Victims	2003	2004	2005	2006	2007	SUM
Identified	93	181	137	83	100	594
Assistance and protection	28	46	57	39	35	205
(by type of action)						
Prosecutor's Order		25	20	34	17	
Cooperation with GOs and NGOs		31	19	37	29	
Cooperation with diplomatic authorities		12	33	22	28	
Cooperation with IOM		17	12	20	15	

Source: Hellenic Police, n.d.

been included as an indication that the familiarisation, presumably, of the police with the screening procedures, or the regularisation of the anti-trafficking regime with the creation of special anti-trafficking units alongside regular vice squads, and the involvement of an array of public and private players in its implementation has not led, overall, to an increase of the assisted and protected victims as a proportion of the total number of victims identified. The official note accompanying the publication of these data each year clarifies that the majority of victims (in the first sense of 'identified victims') have stated upon contact with the police that 'they do not wish to be placed under the protection of the State', and, additionally, most of them reside legally in Greece (Hellenic Police, n.d).

As regards (foreign) victims, therefore, the examination of the officially available information generates reasonable doubt whether all of them can be considered as being trapped in forced prostitution—or forced labour, as the series do not discriminate. To be sure, the annual OC reports of the Hellenic Police, which include a dedicated section on trafficking, emphasise the regimes of force and fraud that these individuals are subject to. At the same time, none of the reports is firmly or entirely committed to the idea that these individuals are always victims of trafficking in the substantive sense, noting, for example, that

the women suspect or even know that they will become victims of trafficking and sexual exploitation, but as they are as under economic and social hardship and have no other choice, they accept to be engaged in the process risking the physical integrity to earn money. What they do not know is that the earnings will be very small, that they will not be able to choose clients, and that they will suffer violence and humiliation (Hellenic Police,

2004: 8).⁴⁹

It must be stressed that the official reports and Lazos's data are *not commensurate*. Lazos's research covers a different period, and potentially, very different conditions of the migrants' involvement in the social organisation of the sex industry. His research claims to have captured a moment in the workings of the sex industry as a whole, and therefore lays a reasonable claim as regards the extend of hidden areas lying beyond the reach of law enforcement, whose operational capacities are always, of course, restricted. The comparison, however, has an important sensitising effect, which becomes stronger, when one considers in addition the official accounts regarding the traffickers.

Who are the traffickers?

The Hellenic Police makes available information about the perpetrators of human trafficking offences in two forms, which in the current context should be taken to complement each other.

Firstly, data about the number of identified offenders (the number of individuals being investigated), tabulated by country of origin, are published each year alongside the rest of the information about victims and forms of cooperation with other agencies (see, e.g. Hellenic Police, n.d.). The available data for 2003–2007 are presented here in Table 10, and include offenders of all forms of human trafficking and not only sex trafficking. In the course of these years, the Hellenic Police has encountered diverse forms, such as labour trafficking or baby trafficking—for example, the OC report for 2004 includes a particular mention to both these forms, as a number of criminal networks had been targeted and dismantled successfully in that year. It notes however that in the case of baby trafficking the investigations had not been successful in discovering details about the demand side of the activity, that is, the couples who resided in Greece and were interested in adopting the trafficked babies. With the above qualification, it can be observed that while the data for the 5-year period reveal an involvement of Romanian, Albanian Bulgarian, Russian, and to a lesser extent, Ukrainian nationals to some significant extent, the majority of trafficking offenders, almost 60% of the total number of investigated individuals, were Greek.

More should be made of this fact than common sense dictates, that is, it is not simply a case of the majority of offenders being Greek because they lie within the Hellenic Po-

49 The same comment has been included in the subsequent 2005 and 2006 reports (Hellenic Police, 2005: 11; Hellenic Police, 2006: 10)

lice's reach, whereas their foreign accomplices remain undetected exactly because they are outside Greek soil. It is at this point that the combined examination of all available information, which is, admittedly, scarce, provides some interesting insights about the social organisation of trafficking.

Table 10: Human trafficking offenders 2003–2007

	2003	2004	2005	2006	2007	SUM
Albania	22	22	13	28	4	89
Armenia	3	0	1	0	0	4
Belarus	0	2	0	0	0	2
Belgium	0	1	0	0	0	1
Bulgaria	1	15	12	12	26	66
Egypt	0	7	0	0	0	7
Georgia	2	0	0	0	0	2
Greece	166	207	133	142	48	696
India	0	0	1	0	0	1
Iraq	0	0	0	3	0	3
Kazakhstan	3	1	0	1	2	7
Lebanon	0	0	0	2	0	2
Lithuania	5	0	0	0	2	7
Moldova	8	4	3	0	2	17
Nigeria	0	0	5	4	0	9
Pakistan	0	0	1	0	0	1
Poland	2	0	0	0	0	2
Romania	20	5	28	9	18	80
Russia	30	10	3	4	12	59
Slovakia	3	0	0	0	0	3
Syria	0	1	0	0	0	1
Turkey	4	4	1	0	0	9
Ukraine	12	5	1	1	7	26
Unknown	0	64	0	0	0	64
Uzbekistan	3	4	0	0	0	7
SUM	284	352	202	206	121	1165

Source: Hellenic Police

We come here to the second, and far more important source, if not for the reason that it is the single official source of substantive information about organised crime in Greece. These are the annual OC reports that offer an overview of the national situation and compile the yearly activity reports by the various divisions of the Hellenic Police. The OC re-

ports are important in the sense that they offer some information about the social organisation of organised crime, such as the size and structure of 'criminal organisations', as well as their *modus operandi*.

Let us recall firstly that Lazos's analyses note, but do not delve extensively on the fact that the reorganisation of the sex industry in the 1990s involved a new range of services and outlets, characterised by new, flexible and 'user-friendly' ways of approaching the client which contrasted starkly the organisation of 'old prostitution':

[between 1990–2000] new forms of providing sexual services were institutionalised in mass scale: prostitution in bars, the night club, prostitution via telephone, where the sexual contact takes place in a space that the client chooses (home, hotel)...Especially one form, the form of the bar, has been the pivotal form of advancement of prostitution in Greek periphery. It was flexible, adaptable, low cost, with the possibility to be hosted in existing bars or to construct the dwelling where it could be hosted in minimal time, perhaps within 24 hours (Lazos, 2002b: 191, 194)

Lazos embeds these comments in an analysis of *the clientele* of the new prostitution, pointing out that

the forced prostitution for the period 1999–2000 was primarily prostitution of the middle classes of urban Greece—prostitution of the petty and middle entrepreneur, of the self employed entrepreneur, of the white collar employee. Additionally, with a small phase difference, it was prostitution of the middle classes of the periphery and of the farmers (Lazos, 2002b: 196).⁵⁰

But he takes *for granted*, consistently with his overall thesis, that the keys to these establishments were held by the transnational organised crime groups who, at the same time, held the women under conditions of violent exploitation and absolute destitution. An absolutely critical point is thus entirely excluded by his research, and this of course regards the organisation of the exploitation of sexual labour: the exact conditions of control over the prostitute's work, the ownership of the establishment, and the relation of this business with legitimate business. This is a critical point which regards the wider social and political conditions under which the reorganisation of the sex industry was possible, including the class relations as relations of ownership of means, control of labour and access to the state, that enter the shaping of these conditions.

The OC reports of the Hellenic Police, again with the phase difference that I have noted already, and which, consequently, makes them not entirely commensurable with

⁵⁰ It should be noted that at this point of the two volume work, Lazos appears to understand the distinction between voluntary and forced prostitution as the distinction between legal (registered) prostitution and everything else.

Lazos's research, offer limited but nevertheless useful information in this respect, in so far as they offer an overview of the 'criminal organisations' targeted by the investigative authorities. It should be noted that the description is rather hampered by the use of certain distinctions that the reports adopt, namely, the distinction between 'homogeneous' and 'heterogeneous' criminal organisations on one hand, and the distinction between 'indigenous', 'non-indigenous' and 'indigenous and non-indigenous' on the other. The first distinction refers to the ethnic origins of the members of criminal organisations, where homogeneous applies to a criminal organisations whose 'vast' majority of members has the same ethnic origin. Respectively, 'indigenous' is the criminal organisation whose vast majority of members is of Greek ethnic origin; 'indigenous and non-indigenous' is a criminal organisation half the members of which, 'approximately', are of Greek ethnic origin, and half are not (see, e.g. Hellenic Police, 2006: 37). The problem is that the reports consistently refuse to offer a cross tabulation of the above two categories, which is the only way they can be used to offer meaningful information about the organisational patterns of these criminal organisations in terms of ethnic composition and, therefore, to some extent, of their territorial organisation. As far as the definition of criminal organisation is concerned, the reports apply the definition found in article 187 of the Greek Penal Code which was introduced by Law 2928/2001 and which speaks of a 'structured and continuously active group (organisation)' of three or more members that purports to commit specifically named felonies. (see the report, p.37 and also Hellenic Parliament, 2001e). Relatedly, the reports offer information on the number of members of the criminal organisations that were targeted each year by the services of the Hellenic Police; the information from the available three reports is presented in Table 11, where it can be noted that the majority of investigated criminal organisations barely exceed the legislative threshold of three members. More than two thirds of these groups involve 6 members or less, which appears to be approximately the average membership of human trafficking groups according to the OC reports (as ratio of *suspects* to investigated groups) (Hellenic Police, 2004; 2005; 2006).

Table 11: Number of members of criminal organisations under investigation, 2003–2005

No. of members	2003	2004	2005	SUM
(2)*/3	35	38	26	99
4	36	40	32	108
5	32	25	20	77
6	20	17	20	57
7–10	21	37	30	88
11–15	8	12	8	28
16–20	4	2	3	9
>20	1	7	0	8
SUM	157	178	139	474

* The 2006 report includes a separate category for 2-member criminal organisations
Source: Hellenic Police (2004; Hellenic Police, 2005; Hellenic Police, 2006)

Now, in connection to sex trafficking, the report for 2005⁵¹ includes the standard review of the *modus operandi* of those criminal organisations, noting that the victims are recruited in the countries of origin by travel or ‘work–abroad’ agencies that advertise waitressing, care-taking or housekeeping jobs in Greece. The transport of the victim to Greece is the job of foreign members of the groups, while the place of detention, the mode of transport and contacts with clients are the job of the Greek members of the criminal organisations. The women are exchanged or sold and are moved frequently by the traffickers in various places in Greece. Furthermore,

night clubs that offer strips shows continue to play an important role. There the victims are forced to be prostituted to clients by means of cover-labour as waitresses or dancers. Non indigenous and indigenous criminal organisations cooperate with the owners of these clubs where the victims are prostituted, offering sexual services to the clients of these establishments, after secret arrangements of the clients with them [the criminal organisations] or the persons responsible for the establishment (Hellenic Police, 2006: 11)

The report continues by making an explicit distinction between types of criminal organisations, and notes explicitly the existence of recruiting criminal organisations that in

⁵¹ For the economy of the text, I shall only refer to the 2006 report here, as the substance of the matter is not affected: the report noted that the *modus operandi* of the criminal organisations involved in trafficking in 2005 ‘has not differed from that of the previous years’ (Hellenic Police, 2006: 10).

turn sell to 'indigenous' ones; recruiting and exploiting organisations who either exploit their victims in Greece or sell on to 'other indigenous criminal organisations; 'indigenous organisations that sexually exploit the victims and traffic them within Greece'; at the same time, the structure of these organisations is found to be hierarchical in most cases, and there has been 'in recent years' a trend towards ethnic heterogeneity and increased participation of women in the recruiting process (Hellenic Police, 2006: 11).

Understanding the implementation of the regime

We can now begin to assemble all the above fragmentary information in an attempt to tackle certain questions that both extant research and official accounts refuse to address in substantive terms, exactly because they are constructed on the basis of a victim-centred discourse.

To be sure, official reports only partially shed light to the complex relations involved in the exploitation of sexual labour in today's Greece; this has been undoubtedly a factor for the ascendancy of the anti-trafficking discourse constructed on the basis of Lazos's findings. But, just as it is important to approach critically the understanding of the situation advanced by the anti-trafficking advocacy camp, it is important *not* to use the official data as means to dismiss the extent and degree of exploitation involved in the clandestine Greek sex industry. The police themselves are the first to acknowledge the problematic nature of their enterprise, since they accept explicitly that many of the individuals involved elude not only arrest, but even investigation. It is possible in this respect to speak, overall, of an *underenforcement* of the new anti-trafficking regime, but not in a technical-organisational sense.

What is of interest here is not individuals, either victims or traffickers, but rather the social profile of the business. In this respect, the indisputable analytical point of departure is no other than the strong Greek ('indigenous') presence exactly at the points where migrant sexual labour is exploited. Whereas standard accounts conjure up an image of all powerful, control-hungry, mafia-type transnational organisations, the consideration of the available information so far points to rather small groups, which are perhaps interconnected and heterogeneous overall, but which possess at any rate significant ties with legitimate end-points, such as bars, night clubs, or strip clubs, where a strong indigenous presence is indispensable to the whole process. In other words, not only the exploiters are primarily indigenous, but the entire circuit of exploitation is embedded in their conditions of the economic and social existence, which must therefore be brought

to the forefront of the analysis on these terms exactly. The above reading of the available information and data is quite congruent with the small but emerging stream of empirical research we begin to possess with regard to the exact question of the social organisation of trafficking itself, as well as of other illicit services in Greece, that depend on trafficked goods such as cigarettes, stolen cars and car spares. This research has been successful in revealing the significance of indigenous elements at the end-points of the process, and of the overlap of these end-points with activities and establishments associated with legitimate businesses and entrepreneurship (Antonopoulos and Winterdyk, 2005; 2006; Antonopoulos, forthcoming).

The implications of admitting the above reading of the question of trafficking in Greece are significant, as far as they allow the mobilisation of the series of analytical tools discussed earlier in this chapter and in the preceding one, which reframe the examination of the matter in terms of control and exploitation of labour, in short, class relations of domination and subordination. As I have argued, because this approach ultimately understands the state as the field where contradictory class relations gain a specifically political material existence (institutions, policies), it also makes possible an understanding of the question of trafficking within the wider contours of economic, social and political developments in contemporary Greece. Thus in the concluding part of the chapter, I formulate an analysis exactly along these lines. I offer therefore an additional explanatory layer to my account of the Mirage operations, one that sees their emergence and demise as a temporary yet instrumental part of a concretely national response to challenges in the international environment within a given conjuncture at the turn of the century. To facilitate this reading, I begin by codifying and discussing a series of interrelated changes in the state, involving more specifically the legal regime that emerged as a result the anti-trafficking campaign, and the Hellenic Police apparatus itself.

The new legal apparatus

It has been noted already that the anti-trafficking campaign accomplished an important objective in 2002 with the introduction of special anti-trafficking legislation, Law 3064/2002⁵². The Law did not make any changes in the regulatory framework of prostitution itself, which remains legal in Greece, under the conditions laid out by Law

52 For clarification purposes, it should be noted that the Greek convention for identifying statute law involves a serial number followed by the year of publication in the official Government's Gazette.

2934/1999.⁵³ It amended extensively those provisions of Chapter 19 (articles 336–353) of Greek Penal Code dealing with crimes associated with prostitution, and which were in place since the enactment of the Penal Code in the 1950s. It also introduced general provisions pertaining to the protection and assistance of victims, leaving the details to be laid out by delegated legislation, currently the Presidential Decree 233/2003 issued in August 2003.

The prohibitions of activities associated to ‘crimes of economic exploitation of sexual life’ unfold in the amended articles 348 to 353 and additional articles were inserted, pertaining to pornography featuring minors (art. 348A) and for the commission of indecent acts with or involving minors in exchange for money or gifts (art. 351A); the custodial sentences prescribed by the Law are in the latter case mandatory. To provide an overview of the revamped part of Chapter 19 of the Penal Code: art. 348 addresses the professional or fraudulent facilitation of sexual relations of others, including the publication of personal advertisements, images, telephone numbers, or the use of other electronic messages is criminalised only if it involves sexual relations with minors; art. 349 addresses procurement, distinguishing between procurement of a minor, which is punished with imprisonment up to 20 years according to the circumstances of the case, and procurement of adult women, which incurs a sentence of imprisonment of at least eighteen months. Additionally, men who live off the earnings of a professional prostitute may also be punished by imprisonment of up to three years. The old Article 351 on procurement was replaced in its entirety by the new Law, and now punishes trafficking for sexual exploitation by imprisonment of up to 10 years, or up to 20 years provided that certain circumstances are present, such as when the victim is a minor or when it can be deduced that the offender intends to earn income from the commission of these acts. The reformed article also provides for the punishment of a person who commits sexual acts in the knowledge that the other individual is a victim of trafficking (that is, knowledge of the conditions the law associates with trafficking).

The wording of the new article follows generally the template offered by article 3(a)

53 These involve: an obligation to obtain a work permit (art.1); an obligation to undergo fortnightly medical examinations (art.2); an obligation to obtain a license for the use of the premises where the activity takes place. This license is issued by local authorities provided that certain conditions regarding the location of the premises are fulfilled (art.3). Furthermore, the law prohibits the use of the same dwelling by a group of prostitutes unless the members of the group, up to three prostitutes, work in different hours (art.4). The violations of these conditions incur sentences of imprisonment up to 2 years accordingly as well as a pecuniary sentence. As regards street prostitution, article 5(4) also introduces a minor offence for harassment in public, namely by provoking others to engage in sexual intercourse by indecent postures, talk or movements, which is punished by up to 3 months of imprisonment.

of the UN Protocol to the Convention against Transnational Organised Crime (2000b), an approach which was not entirely welcome by Greek legal circles, due to potential problems for interpretation (Dimitrainas, 2003). There is a wider point here which should not be missed, and by which it is appropriate to enter the discussion of the systematic place of the new anti-trafficking legislation. The Greek academic community of criminal lawyers has been traditionally very wary of the Parliament's increasingly frequent, opportunistic and piecemeal amendments of the Greek Penal Code, and the majority seem to have concurred with the view that the special anti-trafficking legislation did not add anything that the previously existing provisions of the Code did not address systematically (see Symeonidou-Kastanidou, 2003). The substantive changes that L.3064/2002 brought about involve a more explicitly austere sentencing framework, but this has been accomplished with a simultaneous amendment of the substantive content of the relevant articles. This has been deemed likely to create confusion in the application of the law by the courts, and thus perpetuate the lack of effective enforcement of the legislation, to which commentators pointed as the real problem surrounding most crimes of sexual exploitation. In other words, the desired changes could have been accomplished with minor amendments rather than radical rewording of the law, and with added political emphasis on enforcement (Symeonidou-Kastanidou, 2003: 32). As Dimitrainas notes in his commentary of L.3064/2002,

[t]he specific legislative intervention...ultimately creates the impression that the Greek legislator was more interested to use the specific words and descriptions of the international and European texts, so that he could exhibit the results of their identical transfer into national legislation, rather than deal with the phenomenon with the seriousness that it demanded (Dimitrainas, 2003: 156)

The wider theme that emerges here involves exactly the institutionalisation of the equation of prostitution, trafficking (and illegal migration) and organised crime. It should be noted, firstly, that L.3064/2002 is not a stand-alone instrument: article 11.3 of that law makes explicitly applicable for crimes of sexual exploitation the provisions of article 187 of the Penal Code, by means of which, as noted above, the special legislation on organised crime kicks in. Article 187 had also been refurbished a little earlier by an legislative initiative, L.2928/2001, whose reception by the academic community of criminal lawyers had been similar or worse on the basis of similar misgivings as the above; in fact, L.2829/2001 caused wider and considerable political fury, especially among the parties of the Left, exactly because it was perceived as a hasty and over-reaching effort of the Greek government to provide a response to international pressures, particularly with

regard to combating terrorism. Neither the extensive legal nor the heated political debates on L.2928/2001 can be discussed here,⁵⁴ but the substance of the matter lay, of course, not only in the more severe sentencing framework for those found guilty under the organised crime law, but also, and perhaps more importantly, in the changes L.2928/2001 brought about in various aspects of the investigation process and the judicial procedure for organised crime suspects. True, some of the investigative powers⁵⁵ systematised by the 2001 law were not unknown in Greece, especially under the special legislation regarding drug control and drug-related investigation introduced as early as 1987. Yet this latest intervention made at once applicable for the entire range of the crimes named in article 187PC an impressive gamut of powers, including DNA analysis, undercover policing, controlled deliveries, wiretapping, personal data processing and the monitoring of financial transactions; furthermore, the law removed jurisdiction for the trial of these crimes from jury courts and reallocated it to higher courts composed exclusively by professional judges; and finally, it introduced leniency policies for whistleblowers and witness protection measures (see Hellenic Parliament, 2001e). For all practical purposes, therefore, the direct connection of the anti-trafficking legislation with legislation dealing with organised crime is bound to affect the position of the prostitute-victim in anti-trafficking investigations, as she represents a particular use-value for the conduct and results of the investigation as a witness; in other words, her (or his) position, in so far she is entangled in an enterprise that is inherently police business, is overdetermined by that particular use value and less by considerations of victim rights and support. This is evident in the police circular guiding the process of interrogation of identified victims, whose logical structure is that of a bargain:

if you think that you were forced to suffer one of the things mentioned above, then do not hesitate to declare this to the police officers who carry out the inquiry (the preliminary investigation), [and] who will examine with sensitivity and respect your case and will offer you the help and support that you are entitled to by law (Hellenic Police, 2003: 7).

Finally, given the real changes in the ethnic composition of the sex industry, it is very clear that the anti-trafficking legislation cannot be considered in separation from the legislation regulating the position of migrants, both women and men, as it applies, of

⁵⁴ Beyond the brief description in the text above, the reader is referred to the minutes of the parliamentary procedure and the following indicative publications: Hellenic Parliament, 2001a; b; c; d; Manoledakis, 2002; Symeonidou-Kastanidou, 2007

⁵⁵ Not police powers. Criminal investigation in Greece is normally conducted under the authority and supervision of a judge, even though the actual conduct of the investigation is carried out by the police.

course, to all forms of trafficking. The link is not merely notional, but rather is very much manifested by the fact that important components of the anti-trafficking framework are found in the body of legislation relevant to migration, currently L.3385/2005 'entry, stay and social integration of third country nationals in the Hellenic territory': it has already been noted that even though victims of trafficking formally constitute for the purposes of that legislation a special category of third country nationals, the procedure instituted by articles 46–52 remains at all times conditioned by the victim's use value to the investigative procedure. For example, the issuing of the special stay permit for victims of trafficking depends in the first instance on the characterisation of the individual as 'victim' by the public prosecutor (art. 46); the reflection period of art. 48 is also granted by a special order of the public prosecution service, depending on the results of the police screening. The actual issuing of the stay permit depends on 'whether the extension of the stay of the said person is deemed expedient, in order to facilitate the ongoing investigation or penal process, whether 'the above person has demonstrated clear will to cooperate', or whether the individual 'has broken all relations with the alleged traffickers'. Conversely, according to art. 51, the stay permit is not extended or is recalled, when the authorities (the prosecution service) considers that the cooperation or report of the victim is malevolent or abusive, or when the victim stops cooperating. One would be justified to think that to speak of a 'use-value' of the victim is not a metaphor, but a very accurate description.

Yet in the symbolic hierarchy of illegal migrant identities instituted by the new legal apparatus, 'witness' is not followed by 'victim', but by 'alien'. The practical relevance of embedding the regime of protection and support within the regulatory framework of the position of migrants, is that when the expected use-value of the individual does not materialise, the repressive state apparatuses can always regress to the original treatment of the migrant as an alien body—provided, of course, that the latter is not a source of useful labour, a theme to which I shall return shortly. The role of the police apparatus as a practical regulator of citizenship is firstly exhibited, both at the level of street policing and in the obscure spaces of migrant detention centres, in the consistent and persistent ill-treatment of migrants, documented by the recurrent reports of human rights activists (see e.g. Amnesty International, 2005) and of agencies operating beyond the strictly repressive core of the state, such as the Greek Ombudsman (Greek Ombudsman, 2001). But it may also be visible in practices which manifest themselves as instances of discretionary non-compliance to the victim-centred layers of the regulatory regime: take for example the case of the foreign woman who was added, for reasons of 'public order and security' to the National Catalogue of Unwanted Aliens (art.82 L.3386/2005) and was thus refused

extension of her residence permit, as a consequence of her conviction for illegal prostitution—she was sentenced to 20 days of imprisonment and a fine of €200. The police bureaucracy chose that course of action, despite indications that the woman had been a victim of trafficking, and despite the fact that she lived in Greece with her minor child, circumstances which, according to the Greek Ombudsman, could justify a discretionary decision of the authorities to exclude her from the Catalogue on humanitarian grounds (Greek Ombudsman, 2006).

Policy and organisational changes in Greek policing

The preceding observation brings us directly to the question of the concrete impact the anti-trafficking regime in its totality, that is, as the equation of prostitution, trafficking and organised crime had on the police apparatus itself.

Overall, the pattern of change related to the implementation of the trafficking regime appears quite congruent with those exhibited in other areas, such as the regulation of private policing, which has been the object of extensive commentaries recently (Papanicolaou, 2006; Rigakos and Papanicolaou, 2003).⁵⁶ Stated briefly, the modality of the change is one whereby ‘the state reasserts its role as ultimate guarantor of order and the public good by investing in the authority of the “police proper”’ (Papanicolaou, 2006: 91) on the basis of a relative disassociation of the political superstructure of the Ministry of Public Order from the operational core of the Hellenic Police. In other words, hyperactivity at the level of the political management of the apparatus acts as a shield for the formulation, by the core of the bureaucracy, of a response to the trafficking ‘crisis’ based on enhanced centralisation of functions, development of tighter controls on the body of the apparatus and further refinement of its repressive capacities. The changes involved in this pattern, albeit interrelated, can be usefully categorised across three themes to facilitate discussion: firstly, it is already evident that the inception of the trafficking regime has entailed changes in the interfacing of the police with other public bodies, and more importantly, with private actors (‘civil society’), especially as the latter have increasingly claimed a role in operational policing (screening procedures etc); secondly, the process has been also complemented by internal changes, that is, strictly organisational changes; and thirdly, there have been changes that involve the interfacing of

⁵⁶ For an analysis of the historical background of these patterns, the reader is referred to Papanicolaou (2006). The present analysis, in so far as it is concerned with developments after 1999–2000, is an extension and refinement of the argument put forward there (which is itself a refinement of Rigakos and Papanicolaou, 2003), but in the context of the trafficking regime.

the Hellenic Police with foreign police apparatuses and bureaucracies: transnational policing in the strict sense.

We may begin by recalling that the question of migratory movements to Greece was defined from a very early point as a problem of public security and order, and thus, the Ministry of Public Order was assigned a primary role in all subsequent developments. This was not merely evident in operational terms, as everyday street policing and 'sweep operations', but also at the level of policy formation and steering. Developments with regard to the question of trafficking followed the same pattern, since it was the Ministry of Public Order that took the initiative to establish a special task force on trafficking (OKEA—Group for Combating Human Trafficking) in April 2001. OKEA is an interministerial work group presided by the Chief of the Hellenic Police and is comprised by officers of the Hellenic Police, representatives of ministries that share competence with the Ministry of Public Order,⁵⁷ such as the Ministries of Health, Employment, Interior, as well as a representative of IOM, and social scientists. As the Ministry explained,

[t]he specific initiative has been a consequence of the need to develop and apply a national strategy to address the problem of human trafficking at the levels of prevention and suppression, and is integrated in the wider framework of functional modernisation of the Hellenic Police (Hellenic Police, n.d.).

It is important not to understand OKEA as the embodiment of a strategy for partnership with other public bodies or 'civil society', nor even as a strategy of cooptation. Most of my interviewees were reluctant to assert that any public bodies other than the Ministry of Public Order—the Hellenic Police—had a significant role in the works of the Group. Additionally, it may be noted neither OKEA, nor any subsequently instituted committees,⁵⁸ included the NGOs that had been the main carriers of the Greek anti-trafficking campaign, a fact that has been a continuing source of frustration for the latter (see Galatsi Group, 2005). The significance of this detail becomes even more pronounced when one considers that OKEA's stated primary purpose was the introduction of a legislative framework on trafficking, which was accomplished with the introduction of L.3064/2002 and of its executive Presidential Decree 233/2003. The ramifications of this strategy has been evident in the continuing, but mostly unsuccessful effort of the NGOs to become operationally involved in the screening of victims:

⁵⁷ See n.11 above.

⁵⁸ Such as the Work Group for Planning Crime Prevention Policy (ΟΔΕΞΑΠ/ODESAP) established in 2002, whose remit also involved the policy planning for combating human trafficking (Hellenic Police, n.d.)

[one of the problems is the] lack of cooperation of the NGOs with the Hellenic Police immediately after the arrest toward the more effective understanding of right by the victims, within the framework of the memorandum submitted by the NGOs to the Ministry of Public Order, whose examination is pending. The problem persists...In Greece, the vast majority of the victims never comes in contact with the NGOs (Galatsi Group, 2005: point 22).

Similarly to the pattern noted by Papanicolaou (2006), therefore, OKEA embodies in the concrete issue area of trafficking a strategy that aims to preserve the ascendancy of the (state) police apparatus in any area of public policy underpinned primarily by considerations of public security. Having occupied the dominant position in the process that led to the introduction of the anti-trafficking legislative framework, the Hellenic Police was able to declare *post festum* that as regards cooperation with other competent authorities and NGOs: 'we operate and act in accordance with the existing institutional framework and not in contrast [to it] or beyond it' (Ministry of Public Order, 2003: point 2.6).

Beneath the shell that OKEA constituted at the level of the political superstructure of the Ministry of Public Order some longer term organisational processes in the Hellenic Police were also manifested in the context of anti-trafficking. As in other areas, these have involved changes in the mechanisms of organisational control away from the political heights of the Ministry and towards the uniformed core of the Hellenic Police Headquarters. The latter is the central service of the force which, with the amalgamation of the Greek Police forces under the Socialist government in 1984, had been subjugated under the political structure of the Ministry of Public Order. With the restructuring of the force under Law 2800/2000, a clear line was drawn between the political component of the Ministry of Public Order and the central police service, which was given much larger margins of autonomy, even though the Minister's supervisory power as well as the government's final say over the appointment of the Chief were left intact. This relative reconfiguration of the power balance between the political leadership and the uniformed core has been underscored by other changes that occurred in the mid- to late-1990s, such as reforms in recruitment procedures, the establishment of a highly militarised Border Guard Service, and not least the introduction of an Internal Affairs Directorate with a mission to fight corruption (Papakonstantis, 2003; Papanicolaou, 2006; Rigakos and Papanicolaou, 2003; Vidali, 2007).

If OKEA did constitute, therefore, an apparatus that sealed off the Hellenic Police from the political struggles waged around it in the context of the anti-trafficking campaign, it was also a power centre from which emanated strategies of both centralisation and specialisation leading to a further tightening of control of the force as a whole by the

commanding heights of the police bureaucracy. By declaring anti-trafficking a priority for all services of the Hellenic Police, the Headquarters were able, firstly, to set in motion a process by which action could be directed and coordinated from a central point found within the Public Security Directorate—the same organisational point which planned and coordinated, as we have seen already, the implementation of the Mirage Operations on Greek soil. As this structure was formalised in September 2002 (Ministry of Public Order, 2003), it has since constituted not only the interface of the Hellenic Police with external agencies (public bodies, NGOs), but, progressively, an important node in intra-organisational networks involved in the management of information and activities at both strategic and tactical levels. The novelty of this development is considerable, provided that one is willing to break away with certain mythological notions about the Greek police's historical and actual capacity to achieve good levels of information management and operational coordination.⁵⁹ It is important to note that the drive to augment and refine the capacity of the Hellenic Police as a *police* organisation—a repressive apparatus in the final instance—has not only underpinned the logic of these internal developments, but also operated constantly as a filtering mechanism of the victim-centred discourse that other actors in the anti-trafficking campaign attempted to instil in the police:

the protection of the victims is important...but we firstly need to think what can and what cannot be possibly done taking into account the lack of means and the wider abilities and needs in the operation of our services...we are not a welfare agency (interview with police official, March 2004)

The process of centralisation of control, beyond activities for raising awareness, or the issuing of circulars and guidelines for interrogation and screening (as discussed above), has also been expressed as concrete organisational adjustments, with the gradual spawning of special anti-trafficking units as discrete entities (under centralised direction) within the existing organisational structure of the force. The operation of these teams was piloted in Athens and Thessaloniki as early as the autumn of 2003, with the creation of anti-trafficking teams within the existing Vice Squads. Whether this development was accompanied by a significant reallocation of resources is a mute point, especially in the light of known chronic deficiencies of these services (Aferoma, 2001). At any rate, this particular approach was extended in the end of 2005 to 12 more prefectural Directorates of the Hellenic Police, and with an organisational reshuffle in Spring 2006, the special

⁵⁹ These issues and their political implications occupy the centre-stage of current debates on police reform in Greece, see, e.g. Kampanakis (2007).

teams in Athens and Thessaloniki were incorporated as anti-trafficking Sections of the local Organised Crime Squads.

Finally, the implementation of the anti-trafficking regime, as a special region of the Hellenic Police's response to organised crime (and illegal migration) as a new security threat has involved an intensive process of consolidation of existing relations and of creation of new ones with foreign police bureaucracies.

Greece's position in the field of international police cooperation has matched quite well its overall record of involvement in international organisation, as historically the country has participated in most major international and regional European organisations, such as the United Nations, the Council of Europe, OECD, or NATO. Its full membership in the EU (still EEC in 1981) had been preceded a long course of political convergence that started immediately after the establishment of the European Communities and had also involved the conclusion of an Association Agreement as early as 1961 (Tsoukalis, 1989). Similarly, the Greek police has participated actively in Interpol since 1946; Greece's NCB is reported to have handled about 130,000 messages (100,000 incoming and 30,000 outgoing) in 2000, and the country's geographical position has meant that Interpol channels have been regularly used in international investigations related to drugs, stolen cars, stolen works of art, as well as stolen or lost travel documents (Tassiopoulos, 2000). In Europe, before the 1981 accession to the EEC, Greece had been an observer state in TREVI, and with the end of the Cold War and the increasing pace of European integration, the Hellenic Police has also been involved in Schengen (acceded in 1992), as well as in the works of the EDU, and, subsequently, of Europol. Within the same trajectory, the country also established a Border Guards Service in 1998 with the mission to prevent the unlawful entry of aliens and to deal with cases of illegal immigrants once they are arrested on Greek soil. At the level of institutional framework, therefore, the country is fully and actively integrated in the structures of European Police Cooperation.

While Greece's integration in the international economic and political structures of the West during the Cold War period can be understood as an important factor in setting the above tempo for participation in international police cooperation, it has also been equally important for the relative absence of relevant structures with the former communist countries in the Balkans. I have noted already that Greece's regional foreign policy in the region has been a mixed bag throughout the Cold War period; for Greece this period has also been, significantly, a post-*civil war* period after the defeat of communist forces in 1949, a fact which, despite the unfolding of significant cooperation initiatives after 1974,

has practically meant that the country primarily recognised in its northern neighbours a military threat for national security (Tsardanidis and Alifantis, 1989). Thus, at the time of the collapse of those regimes, Greece was ill-prepared to address police problems such as cross border crime and, of course, the clandestine migratory movements towards it, not only practically, but also in terms of existing institutional infrastructure (police cooperation agreements, bilateral contacts).

The 1990s can be understood, therefore, as period of adaptation to new conditions, one that involved perhaps fewer uncertainties in the area of western and, particularly, EU police structures, given the country's firm European orientation, but certainly more in Greece's immediate neighbourhood. It is quite indicative that while Greece's European course followed a 'natural' path of progression, that is, one that coincided with the consecutive steps in the development of third pillar policies after Maastricht, its Balkan course can be thought as rather nervous and experimental to a certain extent. Hence, it can be firstly observed that Greece's developed an infrastructure of cooperation with several (but not all) Balkan countries by means of series of bilateral agreements within the same issue area of police cooperation, involving border controls, and deportation of undocumented migrants, evidently as 'fire-brigade' style response to the migratory influx.⁶⁰ Additionally, the country was also involved in multilateral forms of cooperation of symbolic, but variable, from a practical viewpoint, significance, such as the Adriatic-Ionian Initiative, the Black Sea Economic Cooperation Initiative, and, of course, SECI.

But it is important not to consider these areas in isolation, because, overall, it is possible to discern a pattern whereby Greece's involvement in the creation of police infrastructure in the Balkans has been underpinned by an effort to capitalise on its involvement in European structures and claim a dominant position in the region. This logic was very clearly expressed by the political leadership of the Ministry of Public Order, at a time when several Balkan countries were firmly on the path of creating stronger ties with the European Union (Bulgaria and Romania were already on the track of accession):

I also want to tell you that we possess a natural and moral authorisation from Europe. From our partners of European Union. To be the exporters of democratic legality and police know-how to the Balkans, too, so that, by securing the wider area, what we call 'European Aquis' from the viewpoint of democracy, market economy and human rights, we make our great

60 For example: a bilateral police cooperation agreement was concluded with Albania in July 1992 (L.2147/1993), and was followed by a Friendship, Cooperation and Security Pact in 1996 (L.2568/1998); the bilateral police cooperation agreement of 1991 with Bulgaria was followed by a Repatriation Agreement in 1995; the 1992 bilateral police cooperation agreement with Romania (L.2138/1993) was followed by a Repatriation Agreement in 1994 (L.2301/1995).

contribution to the European Union (Polydoras, 2006)

Although most of my interviewees were rather reluctant to discuss at length diplomacy, all were very much aware that the development of police cooperation structures were to some extent instrumental to wider foreign policy objectives, especially in the light of the fact that initiatives for police cooperation often emerged within the framework of wider political cooperation initiatives, and these, as I have noted already, were abundant in the case of Southeast Europe. But they were equally aware, and inclined to point out that not all of these were of the same value for police work:

there has been a deluge of initiatives, as each of these countries tries to promote itself in international fora...Greece aims to be a partner in all these initiatives...Greece has not pursued their creation but aims to be a partner in all these initiatives and cooperates, so that we don't fall behind...On the other hand, our presence works to raise the standards, and in this way it may be possible to undertake substantive initiatives (interview with police official, March 2006).

Just as it happened at SECI, the interviews at the level of national police structures revealed that the meaning of 'value' and 'substance' in police cooperation are constantly defined by the interests of the particular police organisation, provided that one understands 'interests' to emerge not merely from strictly organisational exigencies, a bureaucratic-organisational rationality, as it were, but from the wider range of structural determinations of the police as an apparatus of the national state. This is to say that 'interests' are actively underpinned by a particular notion of the national interest residing in the ideology of the police apparatus.

To be sure, Greek involvement in a multiplicity of initiatives in the 1990s and after engendered certain strains at the organisational level, which were brought up almost uniformly by my interviewees. The Hellenic Police's international interface is the International Police Cooperation Directorate of the Headquarters of the Hellenic Police (ΔΔΑΣ-DDAS), whose circle of activities increased geometrically as Greece became party to various structures of police cooperation, all of which have entailed the creation of national units, such as the Interpol NCB, Europol National Unit or SIRENE National Bureau under Schengen, and the allocation of personnel and resources to operate the particular channels of cooperation. To begin with, not all of these services are located in the same physically space, but are found in different locations in Athens. More importantly, these channels of cooperation are often perceived as mutually competitive by the various services that can be thought as the 'end users'. DDAS is formally the mechanism that regulates the choice of channel for cooperation. Nevertheless, concerns regarding the effective

management of information usually revolve around the lack—in physical terms, too—of a joint operational centre to act as a ‘gatekeeper’, especially in the light of the informal networks of information exchanges which naturally exist within the organisation. Thus, while discussing SECI, it was pointed to me that

to be sure, we’re looking for ‘added value’, and with SECI, ‘added value’ is the operations [meaning the *Mirage*, *Containment* and *Roadshow* operations]...but SECI is not known ‘below’...but decreased efficiency is a problem of those organisations, and *they* have to improve... ‘below’ there are networks [that operate on the basis] of acquaintances (interview with police official, March 2006).⁶¹

The above provide good insights on the Hellenic Police’s tendency to rely, beyond the mainstream structures of cooperation that are established and ‘well-known to hold good information’ on the deployment of liaison officers on the basis of *bilateral relations*, on condition that this preference is not understood as merely the result of technical constraints and rationales. Technically, the deployment of liaison officers is justified by the fact that the latter can be more flexible and therefore gain ‘direct access to the information’; politically, bilateral relations, especially in the blossoming landscape of post-communist Southeast European police cooperation, have been also deemed as ‘more manageable’, especially in the light of data protection concerns—the terms and procedures for the exchange of information can be laid down according to the standards that the parties, Greece in this case, deem acceptable. In this sense, the Hellenic Police’s strategy can also be understood to be informed by considerations of national security.

That both technical and the political rationales coexist in the preference for bilateral relations is of course more straightforward in the case of border controls. In this area the Hellenic Police has also been active in creating bilateral structures for cooperation at the border with its neighbouring countries (Albania, Bulgaria, FYROM) by enabling its peripheral services to interact regularly or as needed with the respective police authorities of these countries (Ministry of Public Order, 2003) in order to implement controls of crossing points, deportations and so on, thus articulating a concrete response to the politically critical issue of the permeability of the Greek border. Finally, just as the Hellenic Police has been the receiving party in training and technical cooperation with both American and European agencies, it has been increasingly involved in the organisation of seminars and training programmes for other countries in Southeast Europe, by using European funds for that purpose. The underpinning logic is that the eventual modernisation of

⁶¹ Characteristically, the effort to make SECI known among operational services also included the production of a special leaflet with information and contact points.

those countries on the basis of this 'know-how' transfer could provide a more effective response to the problem *their* nationals, criminal or illegal migrants, present for the Hellenic Police on Greek soil.

Logics of the new security apparatus

The preceding review of the concrete direction of the implementation of anti-trafficking measures and of the particular organisational processes that supported it within the apparatus of the Hellenic Police has revealed that the advent of the anti-trafficking regime in Greece, in combination with the entire nexus of policies aiming to address organised crime and illegal migration, has led to a significant upgrading of the capacities of the police apparatus in Greece. The first characteristic of this process is the consolidation of the uniformed core's grasp over the functioning of the apparatus, a possibility which the course of political struggles after the 1974 political changeover had undermined or outright foreclosed, given the role of the repressive apparatuses in the 'para-state' and political instability of the preceding period (Papanicolaou, 2006; Rigakos and Papanicolaou, 2003; Vidali, 2007: particularly in vol.2); this was particularly true in the case of the police reform pressed by the socialist government of the early 1980s, by which the entire police apparatus was placed under the political control of the Ministry of Public Order. Thus, the significance of this process is that it is being accomplished in conditions of uninterrupted and fully functioning liberal democracy under the post-1974 current regime of parliamentary republic. The second characteristic is the gradual reconfiguration of the position of the Hellenic Police in the system of transnational policing not as merely a dependent and receiving party, but rather as an intermediary that is able, significantly, to articulate a strategy towards the formation of a public order hinterland, as it were, in the Balkan region.

These results are still incomplete, especially in the light of their apparent incongruence with the objective results emerging from the consideration of what we know about the nature and extent of the exploitation of sexual labour of migrants in Greece. Although I have explained my misgivings towards the 'strong' account of the trafficking problem espoused by the primary actors of the anti-trafficking campaign in Greece, there is little doubt that all the available evidence supports the conclusion that there has been a significant expansion and diversification of the Greek sex industry in the 1990s and after, exactly on the basis of the exploitation of migrants. The contradiction therefore rests exactly in the fact that while the above reconfiguration of the police apparatus was possible

by means of criminalisation, via the reinforcing of existing prohibitions or the creation of new ones, and hence by means of granting the police additional powers, the indications we possess about the actual results of police activities point clearly to a problem of *under-enforcement*, of piecemeal and, by and large, opportunistic action dictated by situational exigencies, including direct political pressure by the anti-trafficking campaign.

The contradiction cannot be solved unless we return to the distinction between state apparatus and state power, and the recognition of the possibility that the processes that involve the police as an apparatus need not necessarily translate into 'positive action' according to the familiar vocabulary of police effectiveness, efficiency and the achievement of 'targets'. Such vocabulary, to the extent that it is informed by the ideology of 'law and order', merely reflects a variant of an ideology moulded by the structures associated with the concrete functioning of the police apparatus: ideological discourses which either emanate from the police apparatus itself, or are directed towards the latter from other state apparatuses. What is obscured in this way is the role that the state concretely plays in the field of class struggle.

It is necessary, therefore, to return to a problematic that understands the field that concerns us here in terms of class relations of domination and subordination, and therefore in terms of class struggle and examine in what sense the objective results of the implementation of the anti-trafficking regime in Greece reflect the state's role in constituting the 'unifying factor of the power bloc' (Poulantzas, 1978b: 300), of the politically ruling class coalition under the dominance of the capitalist class, to whose interests the direction of the exercise of state power corresponds. It should be noted that one of the difficulties involved in taking this approach lies in the relative absence of analyses in Greek social science that do not obscure (unnecessarily) the question of the character of the Greek social formation. It is necessary therefore to proceed by making first certain remarks that also act as qualifications to the understanding I propose, in the sense that the latter constitutes a result of the preceding analyses as much as it is a programme for further research.

As Sakellariopoulos (2001) explains, among the writers who understand the social development of Greece through the lenses of a class analytical perspective, there has been a notable tendency to question the capitalist character of the Greek social formation. This typically occurs by means of employing approaches informed by dependency and under-development theory, which tend to understand Greece as a dependent social formation and explain the general characteristics of Greek society in the light of the arithmetic or political significance of the Greek petty bourgeoisie, the relative social weight of public

employment, as well as the implications of social mobility and the existence of an extensive informal economy (e.g. Karambelias, 1989; Tsoukalas, 1987; 1989).⁶² Nevertheless, a systematic critique of these positions from within Marxism by several writers recently has shown in a thoroughly convincing manner that, while one must understand a social formation as a complex articulation of modes of production that coexist in a relation of 'conservation-dissolution' (Bettelheim, 1972; Poulantzas, 1978a), the social development of the Greek social formation exhibits clearly the dominance of the capitalist mode of production (Milios, 2000b; Sakellaropoulos, 2001).

Additionally, examinations of contemporary developments in the performance of Greek capitalism have shown that, while capitalist development in Greece was severely affected by the crises of the 1970s that interrupted a prolonged period of intensive development during which Greece achieved GDP growth rates higher than those of Italy, France or Britain, the resulting restructuring has brought about after the mid-1990s very high rates of capital accumulation and economic development, measured by increased capital and labour productivity, investment in constant capital, technological innovation and profitability at rates directly comparable with those of the early post-WWII period (Ioakeimoglou and Milios, 2005; Milios and Ioakeimoglou, 1990).

The above constitute elements of the background against which not merely the question of sex trafficking and of the exploitation of sexual labour, but the entire question of the contribution of migrant labour in Greece's rapid economic recovery in the 1990s and after should be situated. As Linardos-Rylmon (2003: 10) notes, 'it is clear that [as regards the relation between migration and economic development] the economic developments of the past 10–15 years would have followed a rather different course, had the migrants that were so quickly integrated in economic activity not been available'. Indeed, the eruption of the conditions that engendered the migratory exodus of populations for the former communist countries in the Balkans and Eastern Europe, coincided with the late stage (after 1988) of the restructuring of the productive base of the Greek economy (Ioakeimoglou and Milios, 2005). On one hand, the influx of migrant labour provided a unique opportunity for the satisfaction of demand for cheap labour in a series of productive sectors of the Greek economy; these included agriculture, with migrant workers being involved in the formation of a waged-labour category 'for the first time after sev-

62 A fact that highlights the difficulty I am pointing at, is that in some of the more recent of these analyses a class analytical perspective is often used to explain the prolonged political ascendancy of the Greek socialist party (ΠΑΣΟΚ-PASOK), which is typically understood as the party expressing that has expressed, under a social-democratic political discourse, the radicalised strata of the Greek petty bourgeoisie. The main question is thus treated in a deflected manner.

eral decades',⁶³ and also manufacture, construction and services, where low wages played a role in the ability of these enterprises to sustain competitiveness; additionally, the redistribution of income in favour of certain social strata during the late 1980s made possible the employment of migrants in domestic services (Linardos-Rylmon, 2003: 9).

The above remarks do not, of course, directly address the question of the exploitation of migrants in the sex industry, given that we are dealing with a sector of the economy where not only the lines of capitalist organisation are absent, but which—importantly!—is by and large clandestine, as activities associated with prostitution. First of all, it is necessary to make sense of the illegal component of these activities, which is, as it has been noted above, primarily the responsibility of the intermediaries in the trafficking process. The Greek labour movement was quick to note in the very early 1990s that the generalised employment and exploitation of (primarily undocumented) migrant labour by means of the violation of labour and social security legislation *and* the thorough social marginalisation of this population was directly connected to the prohibitions instituted by the state, as it involved a certain reliance on illegal networks in order to satisfy the demand for labour:

[t]he question of the responsibility of the state is not theoretical. A significant part of exchanges is taking place under conditions whose ingredient is the lack of legality. Specifically, the lack of legality as precondition for immigration to become a movement of labour force totally controlled, not only in relation with their wages but also in relation with the totality of its conditions of existence... The Greek experience shows that in many cases it is possible to satisfy the demand for cheap labour by legal means, while the rigid prohibition creates now the conditions for the development of illegal networks that come to offer a labour force that is dispersed in turn to the rest of the economy (Linardos-Rylmon, 1993: 21, 25).⁶⁴

Secondly, what needs to be explicitly problematised is exactly the economic structures, more specifically, the regions of Greek economy that accommodated the sexual labour of migrants and whose economic organisation involves particular forms of control and exploitation of labour. The most dramatic knowledge gaps in our knowledge of the sex industry in Greece are found exactly in this area—and certainly because the public

63 At the time of writing (April 2008) the mobilisation of migrant workers at strawberry plantations in Southwest Peloponnesos was making headlines in Greece, which revealed the extent not only of the dependence of this niche agricultural sector on migrant labour (approximately 3,000 workers from Bulgaria, Romania and Bangladesh), but also of their miserable conditions of living and brutal exploitation with wages ranging between 3 to 5 Euro (£2.38–3.97) per hour (Imerodromos, 2008; Ta Nea, 2008).

64 Interestingly, the conditions of sexual exploitation of migrant women, as part of the same trend, did *not* escape the attention of local trade unions (Linardos-Rylmon, 1993: 49).

police are not expected nor are willing to carry out activities that fall under the remit of the Revenue Service or of the financial police. But in so far as there are sufficient indications that the main outlets for illegal prostitution have been businesses such as bars, cafe-bars, night-clubs, or strip-bars that have at least a façade of legality and therefore stand with at least one foot in the domain of the formal economy (Hellenic Police, 2006; Lazos, 2002a: 260),⁶⁵ and in so far as we know that the majority of suspects are Greek nationals, it is only reasonable to recognise in the sex industry the organisational lines of the small commercial enterprise, the characteristic form of the economic existence of the Greek petty bourgeoisie (Sakellaropoulos, 2001: 176).

Now, the association of the underground—informal and black—economy with the petty bourgeoisie in Greece brings up a topic which has been the object of extensive discussion not only for its practical relevance for economic and fiscal policies, as estimates of the extent of the hidden economy have ranged between 25–30% of the country's GNP (see, e.g., Pavlopoulos, 1987), but also in connection with the determination of the size and sociopolitical weight of the petty bourgeoisie from a class theoretical perspective. As R. T. Naylor explains, although the idea of the underground economy captured wider interest of economists in the 1980s and 1990s, it is, nevertheless, problematic as it was 'ill-conceived' and 'poorly defined' in the first place and, additionally, it was 'highjacked by those with a reactionary agenda' (Naylor, 2005: 141): it draws a distinction within the market sub-sector of a national economy between the dealings in legal goods and services in legal way, and dealings in legal goods in illegal way (informal economy) or (criminal) dealings of goods that are inherently illegal (133); additionally, because of the incomes thus generated, the idea of the hidden economy is also understood to include tax and social security contributions evasion. In the Greek context, the (acknowledged as wide) extent of underground economy practices has been often understood as a factor determining the class position, and therefore explaining the political and ideological practices, of certain social groups or categories of the population exactly on the basis of their disposable income (see Tsoukalas, 1987). In the context of the present discussion, it is clear that the idea of the underground economy becomes relevant in understanding primarily the illegal practices of those sections of the petty bourgeoisie that employ labour and extract additional surplus value exactly by violating legislated standards regarding terms of employment, minimum wages, and social security contributions

⁶⁵ Lazos also notes that legal brothels, whose form for fiscal purposes is that of the small business as the licensed prostitute is the owner by law, have also been involved in the prostitution of foreign women (2002a: 230).

(Sakellaropoulos, 2001: 193).⁶⁶ It is from this viewpoint that we can situate the involvement (or entrapment) of illegal migrants in the economic activities of small businesses, not only in services but also in other sectors of the economy, and therefore their class relations vis-à-vis the owners of those enterprises. Of course, the question of the over-exploitation of migrant labour involves capitalist production as a whole, as it involves a wholesale deregulation of the labour market and, therefore, depression of wages, and not simply those productive and commercial economic activities that do not involve extended reproduction of capital.

In this respect, it is possible to understand in what sense the brutal exploitation of sexual labour can be inscribed in the wider hostage-like conditions of exploitation of migrant labour in the light of the above practices in the 1990s, without necessarily invoking the spectre of transnational mafias. Although the real instances of forced prostitution under conditions of systematic violence and terrorisation of the involved individuals are undeniable, the generalisation of sexual exploitation in the scale and with the characteristics suggested by all the available evidence I have discussed cannot be explained by treating the prevailing conditions in this particular market as exceptional and isolated, but rather as homologous with other sectors of the market.

It appears therefore that the practical underenforcement, for the largest part of the 1990s, of the prohibitions regarding illegal migration by means of police operations that were occasional and unsystematic, yet symbolically exclusionary of the migrant populations ('sweep' operations), more than a consequence of the organisational unpreparedness, of deficits in the operational capacity, or of the racial prejudice of the police, constituted an instance of the exercise of state power in a direction corresponding to the interests of the politically ruling bloc. To recall Poulantzas's analyses (Poulantzas, 1978b: 287, 300), the state, therefore, functioned firstly as a factor of organisation of the capitalist class, around whose interests vis-à-vis migrant labour the interests of the other classes of the power bloc were polarised, and, secondly, as a factor of disorganisation of the Greek working class, that was already experiencing both the impact of the preceding period of economic crisis in its share of the social product (stagnation of the average real wage), as well as the political attack on labour rights and welfare as a consequence of the gradual ascendancy of neoliberal discourses across the range of political forces with ac-

⁶⁶ I only touch upon those aspects of this discussion that apply strictly to the scope of the present analysis. Sakellaropoulos (2001) situates the wider issue correctly from the viewpoint of a class theoretical perspective, by noting, of course, that the formation of classes involves *primarily* the relations of production.

cess to governmental power (Ioakeimoglou and Milios, 2005).⁶⁷

It is important in this respect to note that the developments associated with the implementation of the anti-trafficking regime correspond with the interests of the power bloc, in the sense that it is possible to periodise the development of strategies towards police cooperation and assistance (and perhaps Greek foreign policy as a whole) towards the Balkan countries in the light of the relations of the Greek economy with the economies of those countries. For example, during the 1990s, Greek labour-intensive manufacturing capital did not so much seek cheap labour in those countries, but rather benefited from employing the labour of (mostly undocumented) migrants on Greek soil. For the Greek bourgeoisie as a whole, the early 1990s were a period of unsystematic actions towards the penetration of the Balkan markets (Kipas, 2004), but were followed by the progressive articulation of an aggressive strategy aiming towards the establishment of regional economically hegemonic role for Greek capital across a wide range of productive, commercial and financial activities (Tarpangos, 1995). It is quite characteristic that Greek investment in areas such as mining, food manufacturing, telecommunications and banking in former Yugoslavia, Albania, Bulgaria, Romania and FYROM totalled US\$2.4bn in 1999, a time which according to Labrianidis et al. (2004: 1199) Greek expansion in the Balkan markets had reached a period of normalisation, characterised by long-term, large investments by Greek companies, including public sector firms such as the Greek Telecommunications Organisation or the National Bank of Greece.

With Greek capitalism's coming to occupy the position of a regional or, in Kipas's (2004) terminology, 'satellite' imperialism, the patterns of the Hellenic Police's involvement in international police cooperation begin to be directly comparable with the more visible (and much more studied) international activities of the law enforcement agencies of the advanced capitalist metropolises.

⁶⁷ Interestingly, econometric studies (Sarris and Zografakis, 1999) have shown that, as far as relations of income distribution are concerned, illegal migration is macroeconomically beneficial, and also impacts beneficially the better-off classes of Greek households in terms of real disposable income: 'households that were formerly rich become richer under illegal immigration' (169). However, the same modelling exercise showed that Greek urban households headed by an unskilled person are likely to lose income (and jobs) due to the influx of illegal migrants—even though, under different scenarios, they could also obtain better incomes from other sources such as self employment). What of course such models are unable to capture is the wider effects of wildly deregulated labour markets, which result in a wholesale weakening of the position of the working class vis-à-vis capital. But the suggestion that illegal migration impacts negatively the income of unskilled labour households certainly provides an indication of the material conditions on which racist populist discourses build.

(In lieu of) conclusion: five theses on transnational policing

How can we explain the contemporary patterns of transnational policing? I have begun this study with a complaint about the lack of lucid answers and explanations, but the overall result of the analyses presented here questions perhaps the very possibility of reaching lucid answers and explanations of transnational policing as such.

If one thing is clear, it is that the international activities of the police appear today as a permanent feature of our uneasy global landscape, because the very nature of the world we live in, no matter how this nature is understood, necessitates their existence. Beyond this certainty, the main challenges of transnational policing are concentrated, I have argued, in the enterprise of producing explanations of the phenomenon itself, because they dictate the practical, intellectual and political stance one is likely to take towards it. The study of transnational policing, like the study of policing in general, is not an abstract theoretical exercise, because its object bears upon how order is established and reproduced in human societies. The venture of the sociological understanding of policing has its roots in the awareness that the controversies and abuses that the activities of the police involve are ascribed in the authoritarian nature of policing. The study of transnational policing has been equally motored by a concern that developments at an international level may signify a further distancing of policing from effective institutional controls that may involve significant detriments to democracy and freedom. I share the same fundamental concerns about the nature of policing and about the implications of its transnationalisation.

This thesis presents a historical materialist approach on transnational policing, which draws more particularly from the Althusserian current in Marxism. This is a starting point which situates my approach within the circle of other similar ones that question at a more fundamental level today's social order, and the capacity of the processes involved in its reproduction to lead in a humane, fair and equitable society. Equally, as a point of departure it dictates a casting of the analytical lines employed in the conceptualisation and interrogation of the object of inquiry at a point that differs significantly from existing approaches in the field.

The first point of contestation I have raised regards the inquiry of the object itself, since philosophically the position adopted here involves a fundamental distinction between the real world and the processes of thought, between being and knowledge on one hand, and, on the other, it insists on the primacy of the real over the process of thought. The implication of this position is that theoretical practice always involves a struggle between ideology and the generation of objective knowledge, a struggle which is uneven, because the conditions that bear upon how it is waged involved a bias towards the perpetuation of the existing order, not simply because they are the very material conditions of the production of knowledge, but also because they determine as structures of the dominant ideology the conceptualisation of what is being studied itself. Objective knowledge is the contingent result of this struggle, which emerges from the irruption of the contradictions between the real and the ideological knowledge of the real. This is not a process that involves the student of the social world as an individual, nor is it achieved in isolation from the wider economic, political and ideological struggles in society.

By problematising the process of the production of knowledge on transnational policing in this light, I have been able to point to the circumstances of its material organisation as production organised by the stakeholders of this process, the police and their institutional sponsors, and secondly, I have been able to point to its intellectual roots within established intellectual apparatuses and modes of thinking. I have argued that if recent work on transnational policing has been able to achieve considerable advance towards an critical knowledge of the phenomenon, it is because it has been able to overcome the ideological obstacles placed by these structures, and, in contrast to older work, to infuse its inquiry with the concerns motivating the questioning of police activities in conventional, as it were, contexts. *The student of transnational policing must always take a clear and unambiguous stance towards the political dilemmas traversing the object of study, a stance which is a precondition of his or her capacity to exercise epistemological reflexivity.*

In this respect, my defence of a historical materialist approach in transnational policing represents a stance which goes even further in this direction. Although my analyses do not entirely contribute to a process of knowledge cumulation on the basis of prior work on transnational policing, it would be entirely erroneous to perceive it as a counter-statement or a rejection of the latter's genuine achievements: by placing the analytical line of demarcation at a different point, I have sought to defend those achievements by suggesting the points at which they are still compromised by ideological obstacles, which prevent them from rendering the processes involved in the field in a coherent fashion. I have argued that prior work still suffers from an undertheorisation of the nodes that stra-

tegitally organise its object of inquiry. *The problem of extant work is that it tends to interrogate the field of transnational policing as an assemblage of instances of international regulation, international organisation and national policing activities respectively without positing a hierarchy between these instances and without elaborating a principle of organisation for the processes that connect these instances.*

I have argued that the fundamental node of social organisation that situates the object of inquiry is *the state*, both with regard to the international aspects of the phenomenon, and with regard to the institutional position of the police as a specialised apparatus of the capitalist state. The capitalist state has been and remains the primary site of the reproduction of capitalism as a social system, and both the national and international activities of the police are fully situated within the global political role of the state to maintain the coherence of the complex unity of instances that a social formation comprises, and as a regulator of its equilibrium as a system. The contemporary high levels of integration between social formations induced by the reproduction of capitalism at world-wide scale in its imperialist phase, make more complex, but do not annul this essential function. The internationalisation of policing has gone hand in hand with processes of internationalisation that are characteristic of the extended reproduction of capitalism and its being guaranteed by the state. But the intensification of the international interactions of the police are associated with the particular form of state emerging from the restructuring of global capitalism in the last quarter of the 20th century, which has transposed the structure of the state towards the predominance of administration and attunes state functions more closely to the cycle of capital accumulation. *Transnational policing is the transformation of policing under authoritarian statism: transnational policing is policing in the age of imperialism.*

The adoption of this view entails the transposition of the vocabulary used in the analysis of transnational policing. The framework for analysis moves away from the notion of a global unified social structure suggested by current analyses of globalisation and utilises instead the concept of the *imperialist chain*, an integrated structure that links national social formations by relations of dominance and dependency where each link 'reflects the chain as a whole in the specificity of its own social formation' (Poulantzas, 1978a: 42). The analytical distinction between civil society and state gives way to the distinction between *state power*, which is the power of the ruling class and its allies that emerges from the field of class struggle, and *state apparatus*, which is the organisational expression of that class power and functions in the field of class struggle as the organiser of the political rule of the dominant class. The police organisation is not conceived as possessing a

power of its own exercised in autonomy and under conditions of rationality, but is a specialised state apparatus, whose effects in the field of class struggle are overdetermined by the global political role of the state. Under imperialism, state power exists and state apparatuses function in the context of world class contradictions, which are reflected in the field of international relations and in international organisation. *While the internationalisation of police activities, and the emergence of police organisations as nodal points of these activities are generally inscribed in and boosted by systemic dynamics, they are nevertheless punctuated by asynchronies which correlate to the divergence of state interests.*

In principle, therefore, the study of transnational policing is incomplete without an attempt to consider the dialectic of the processes that unfold in the deep, complex space of the imperialist chain and determine its object. What the analysis of the emergence and demise of the Mirage Operations as a concrete police project against human trafficking and illegal migration has shown is that, as an event of transnational policing, the series has been the product of a unique conjuncture propelled by the dynamics of imperialism in the region of post-communist Southeast Europe. The dynamics of this conjuncture have involved the combination of the unfolding of US hegemonic projects in the region under the guise of an advocacy of the emergent international prohibition regime on human trafficking, the reconfiguration of state power under conditions shaped by the reintegration of post-communist societies in the circuits of global capitalism, and, finally, the implementation of divergent national power bloc strategies over the position of labour. In the case of Greece, particularly, the polarisation of the question of migrant labour exploitation on the ambiguous issue of sex trafficking ultimately served as an ideological smokescreen for the implementation of strategies of intensive exploitation, social marginalisation and vilification of wider categories of economic migrants.

The Mirage operations happened, but their occurrence was far from being dictated by any iron necessities in the development of transnational policing such as those posited by the functionalism of an official ideology that sees police cooperation as an inevitable, quasi-automatic response to the threat of organised crime. They happened, because within the given conjecture they crystallised an equilibrium point for state-sanctioned national and international class strategies involving a role for the police apparatuses. As these strategies confronted each other at the international level, they also gave rise to a concrete material-organisational infrastructure, the SECI Centre for Combating Transborder Crime. The particular nature of international organisations as apparatuses that draw from the external source of state power has been visible in SECI's framework of governance, pattern of work and relations of agents populating it. Ultimately, the dissolution

of this complex equilibrium also meant that its material expression in Mirage was also dissolved, even though the organisational infrastructure thus created at the international level has remained in place and possesses its own special effectivity in the institutional landscape of transnational policing. As far as the respective police apparatuses are concerned, there is little doubt that the process *improved* their capacity to intervene in the field of class struggle, armoured with new powers, new operational capabilities and less external scrutiny from institutional centres ensuring accountability.

My final point returns to the political dilemmas the object of study involves. The dependence, ultimately, of transnational policing on its national components means that its concrete future development as a phenomenon depends on the course and outcomes of struggles over the form and content of policing within national contexts. Although communication about, denunciation of and protest against strategies fuelling police secrecy and intrusiveness secreted by the international power centres that oversee the organisation and conduct of transnational policing must develop an international dimension, it is nevertheless clear that the institution of an effective system of democratic control of policing depends heavily on national struggles for police reform. Although, currently, any prospect for radical social change, for 'fundamental social surgery' instead of temporary palliatives', as Robert Reiner once put it (2000: 220), is rather distant, the political strategies that acknowledge the role of the police as a fundamental mechanism in the reproduction of social relations of domination and subordination, thus of inclusion to and exclusion from a free and equitable society, must nevertheless continue to uncover and oppose the fundamental logic that constitutes the mechanisms and ideologems by which an increasing degree of insularity of policing from the people, and, at any rate, from any functional mechanisms of substantive democratic control is accomplished. *The concrete direction of transnational policing, as of policing in general, remains contingent upon the outcomes of political class struggles conducted within the particular social formations across the global imperialist chain.*

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